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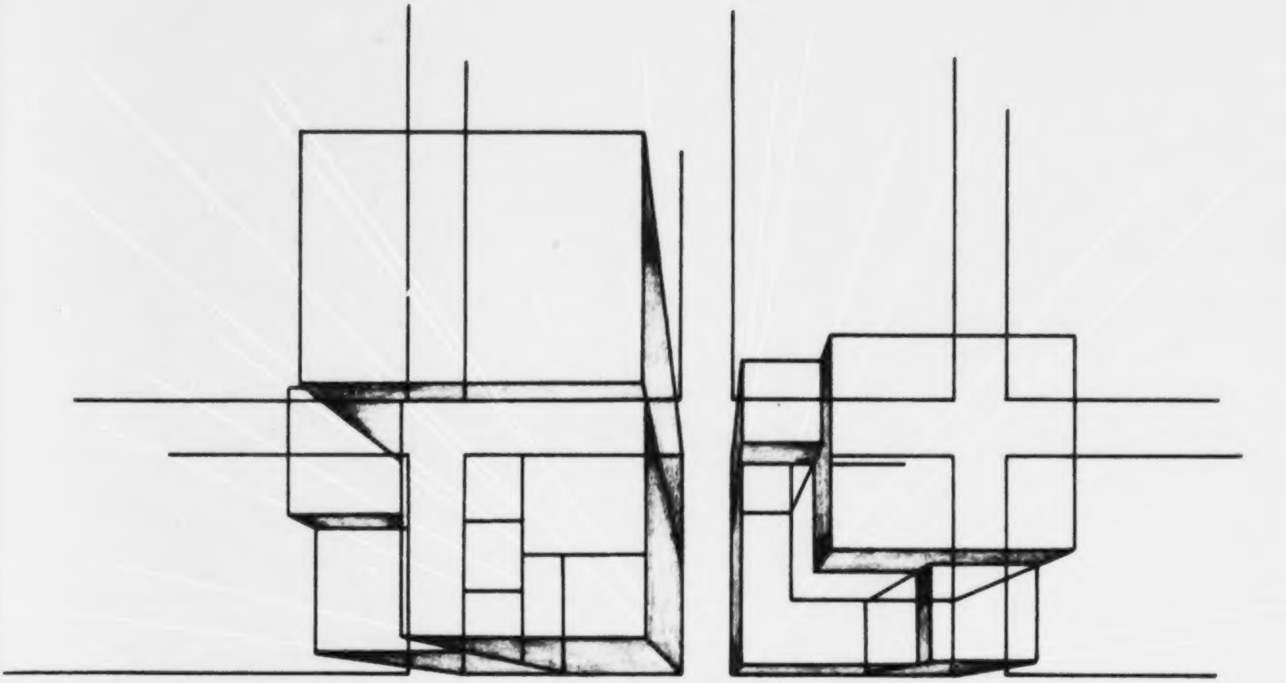

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SAN DIEGO, CALIFORNIA

Case History of a Municipal Noise Control Program

U.S. Environmental Protection Agency
Office of Noise Abatement and Control
Washington, D.C. 20460

This report has been approved for general availability. The contents of this report reflect the views of the contractor, who is responsible for the facts and the accuracy of the data presented herein, and do not necessarily reflect the official views or policy of EPA. This report does not costitute a standard or regulations.

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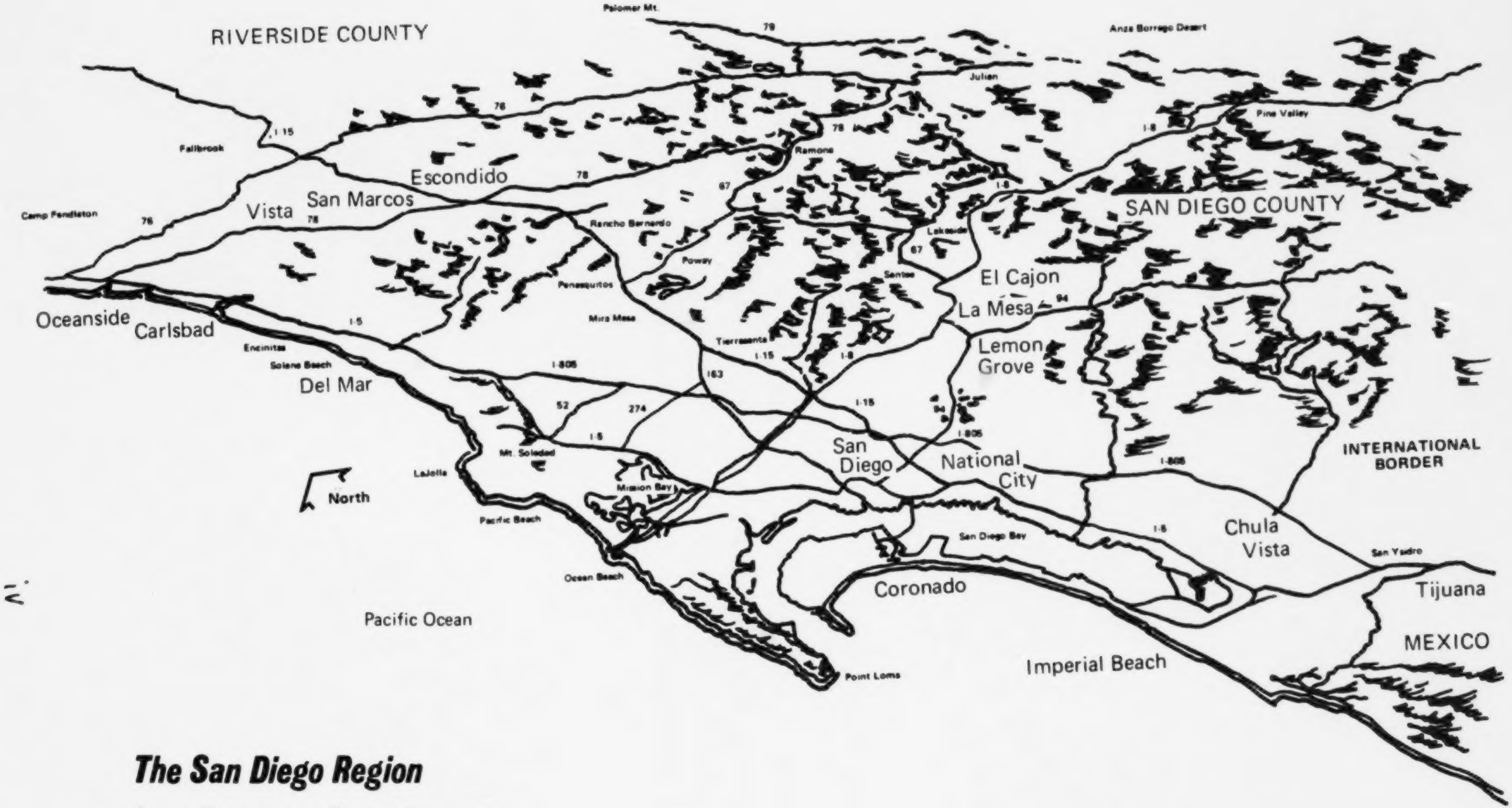
RIVERSIDE COUNTY
Palomar Mt.
79
Anza Borrego Desert
Julian
Pine Valley
I-15
Fallbrook
76
78
Ramona
I-8
Escondido
78
Camp Pendleton
76
Vista
San Marcos
78
Rancho Bernardo
67
Lakeside
SAN DIEGO COUNTY
Poway
67
Santee
El Cajon
Penasquitos
La Mesa
94
Oceanside
Carlsbad
I-5
Mira Mesa
Lemon
Grove
Encinitas
Solana Beach
Tierrasanta
I-15
I-8
I-805
163
Del Mar
52
274
I-15
94
I-805
I-5
Mt. Soledad
San
Diego
National
City
I-805
INTERNATIONAL
BORDER
LaJolla
North
Mission Bay
Pacific Beach
I-5
Chula
Vista
San Diego Bay
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Ocean Beach
Coronado
Tijuana
Pacific Ocean
MEXICO
Point Loma
Imperial Beach

The San Diego Region

Source: Comprehensive Planning Organization

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Laszlo Boszormenyi
Project Manager and Principal
Investigator

Lonnie R. Robbins
Research Analyst

Executive Summary

This case history of the noise control program of San Diego, California, is one of four supporting an outreach technical assistance program, Each Community Helps Others (ECHO), of the Office of Noise Abatement and Control (ONAC), U.S. Environmental Protection Agency (EPA). The four case-history studies will provide the ECHO Program--whose goal is to have viable and quantitative noise control ordinances in 400 communities and 40 states throughout the United States by 1985--with the documented experience of communities that already have an on-going, successful, and outstanding noise control program.

Basically, the San Diego study was based on onsite interviews conducted by a fact-finding team consisting of EPA and Verve personnel. The team interviewed more than 20 persons who helped to initiate the program, were currently part of the city's legislature or administration, or had substantial knowledge of the program.

San Diego has a unique combination of characteristics that, taken together, provided a compelling reason for the initiation of noise control legislation. The city has experienced an explosive growth during the last 15 years; it has one of the largest naval bases in the country; it has three major airports, one civilian airport adjoining downtown San Diego plus two military airports within city limits--all three amidst residential areas; it has five major superhighways traversing residential areas; it has a dog population twice that of the District of Columbia on a per capita basis; it has canyons that carry sound for 10 to 12 miles; and it has a noise nuisance problem associated with amplified electronic musical instruments in residential areas. Together, all of these create a high ambient noise level throughout the day and night.

Such noise conditions provided sufficient incentive to form a task force of the Comprehensive Health Planning Association (under the leadership of Virginia Taylor), which proposed a Noise Abatement and Control Ordinance to the City Council of San Diego. The noise issue attracted an unusually large number of capable, interested, and enthusiastic professionals to investigate the impact of noise on health. Between January 1972 and March 1973, the task force carried out several spot-noise surveys throughout the city. They found that even in supposedly quiet residential areas noise levels were well above what was considered healthy. Issues such as the noise emitted by jet engine bays at Miramar Naval Air Station and the misleading statements concerning noise levels distributed by real estate groups were also investigated. The efforts of the task force resulted in recognition by the city legislators that noise was a major public issue in San Diego.

This recognition represented the beginning of the legislative process. The ordinance proposed by the task force covered all known sources of noise, and, as a punitive action, even envisioned shutting-down factories for violation of the noise ordinance. It became viable and enforceable under the guidance of two persons: one the current Administrator of the Office of Noise Abatement and Control; James E. Dukes, and the other was the Senior Acoustical Consultant for the Navy, Dr. Robert W. Young. Careful attention to detail insured the defensibility of the ordinance as an enforceable legal tool. It should also be noted, that the keen interest expressed by the members of the City Council prevented the ordinance from becoming a politically unacceptable or anti-business. The ordinance had a high likelihood of success, and was not one that would be challenged constantly in court. It was adopted by the City Council on September 4, 1973. Throughout the initial and the legislative processes, much publicity emphasizing noise as a health issue appeared in newspapers, and on radio and TV. The results of surveys were publicized showing that noise from aircraft, traffic, motorcycles, dog barking, and loud music accounted for over 67 percent of the problem.

A native of San Diego, the first and current Administrator of the program has administered a relatively weak ordinance into a strong and efficient program. Ongoing noise programs with some ten city departments, the county, the Port, and with the municipalities in the county were established. Under the direction of the mayor, the council, and the appointed Noise Abatement and Control Board, the original ordinance was amended another revision proposed.

The administration of the program is centered around the research and development concept, the Noise Office solves a problem by developing methods and implementing solutions. A complaint procedure, rather than punitive enforcement, is the key element. However, the threat of criminal prosecution is freely used in literature, hearings, and other communications with violators. Public education has been the program's strong support since its inception. This has included some 30 newspaper articles, 20 TV appearances by the Administrator, question-and-answer phone-in radio programs, publication of a monthly newsletter, distribution of some 220,000 pamphlets inserted into water bills, 90,000 door hangers announcing violations in the violator's neighborhood, public notices, announcement of aircraft noise problems to potential home owners, provision of a list of qualified acousticians, noise-measuring equipment demonstrations, reading of the noise code when application is made for permits to operate noisy equipment (e.g., air conditioners), and the announcement of research results.

The current ordinance was amended in November 1977, reflecting San Diego's experience with noise since September 1973. The current ordinance established the function, duties, and limits of the Administrator; the guidelines for issuing variances; the appeal process; and the creation, composition, and manner of conducting the business of the Noise Abatement and Control Board. Also, it establishes a City Noise Map based on Community Noise Equivalent Levels. It further establishes noise limits for day, evening, and night, by land-use zone, off and on-highway vehicles, watercraft, construction equipment, refuse vehicles, and public nuisances. It also establishes a noise violation as a misdemeanor and levies fines and imprisonment under the criminal statutes of the city. A proposed revision of the ordinance leans toward establishing additional quantitative standards as substantiative evidence in court.

The ordinance is enforced through a complaint process and institutes procedures for other departments of the city. The complaint procedure works as follows. A written complaint must be registered with the Office and the complainant is requested, (but not required), to notify his or her neighbor of the intent to file a complaint. An initial warning is then sent by the Office to the violator, and if appropriate, the violator is apprised of acoustical firms as well as his right to apply for a noise variance. In effect, the noise variance is a stay of application of the code for the purpose of allowing the noise maker minimal necessary time for compliance. Then the complainant is notified of the initial steps taken. If a second complaint is received, an investigator takes sound level measurements, photographs, and polls residents in the area. If the investigator cannot resolve the matter in the field, then a hearing is set and conducted. If the defendant does not appear at the hearing, prosecution is initiated.

The noise ordinance is also enforced in response to citizen complaints to the Mayor and council offices. Decisions of the Zoning Administration and the Planning Department are regularly reviewed for noise and land-use compatibility. Environmental Impact Reports that concern noise are also reviewed by the Noise Abatement and Control Administrator. Projects by the Transportation Department, such as widening roads, are routinely calculated for noise impact exposure. Building permits for multi-unit housing, motels, and the like, must carry the approval stamp of the Administrator. Close cooperation with the Aquatic Division and the Police Department have resulted in a formalized and smooth-running noise control procedure. The office has also worked with the U.S. Border Patrol, the military, the airport, and the Comprehensive Planning Organization (CPO) in updating transportation noise contours.

Three case studies summarize the procedures, philosophy, and intent of the Noise Office: a city hospital, a barking dog complaint, and a commercial establishment near a residential zone.

The Noise Office has mailed an estimated 7,700 complaint registration forms during 1977, of which 2,320 were completed and returned. Conversations with those requesting these forms indicate that by simply showing the complaint registration form and threatening to send it in to the Noise Abatement and Control Office induces voluntary compliance. Approximately 1,247 field investigations were conducted and 190 hearings held. In 15 out of 30 cases for which warrants to appear in Arraignment Court were issued, the defendants complied prior to their appearance date and the case was dismissed. Convictions or guilty pleas were received in all of the remaining fifteen cases requiring actual prosecution. Of the complaints received, 85 percent concerned dog barking, 5 percent concerned music, 2 percent concerned early morning construction, 2 percent concerned roosters crowing, 2 percent concerned motorcycles, and 4 percent concerned miscellaneous noise. In addition, reviews were made of 2,500 home occupational permits, 150 environmental impact reports, 35 cases for the Transportation Department, and 600 building plans.

The currently approved budget for the Noise Office is $104,079; salaries representing $84,897, equipment and other expenses, $19,182. The Noise Office is budgeted for an administrator, an assistant, an investigator, and two clerical staff members. It is expected that the program will continue to operate in the future under substantially the same budgetary, organizational, and administrative arrangements.

Projected activities for the Noise Office include: a proposal to transfer the dog barking problem to the Animal Control Department; proposals to the State regarding municipal noise regulations, aircraft noise, and airport land use regulations; additional cable TV programs concerning noise problems; and proposals for acquiring time-averaging sound level equipment.

The success of the noise program in San Diego can be attributed to a realistic enforceable ordinance. There are a number of possible ways to measure the success of any noise program. However, in San Diego success may be measured by achievement of solutions to problems. The impact of noise on people is clearly being reduced: new buildings are quieter, noisy motor boats are being eliminated, land-use planning is working, and the noise impact of Miramar is diminished. There is a noise control consciousness within the administrative machinery of the city; city departments look at noise as a serious condition. The program is successfully solving short-range problems such as barking dogs, amplified music, noisy trucks, and swimming pool pumps; not only by establishing tools to deal with the problem, but also by winding down tension in neighborhoods and providing a place for people to go to complain. There is cooperation among city departments and other jurisdictions within the county. The ordinance is constantly evolving, embracing more and more areas (such as the California laws) to widen and decentralize the program while maintaining expertise within the Noise Office.

Contents

The San Diego Region.. iv
Acknowledgements.. v
Executive Summary... vii
Contents.. xii
List of Exhibits.. xvii
1 Introduction.. 1
Objective of the ECHO Program... 1
Methodology for the San Diego Case Study.............................. 1
Relevant Characteristics of the City of San Diego..................... 2
2 Initiation of the Noise Program..................................... 7
Conditions Before the Program... 7
Factors Leading to Program Commencement............................... 8
Publicity... 11
3 Legislative Process... 13
Ordinance Proposed by the Task Force.................................. 13
Ordinance Adopted by the City Council................................. 14
4 Administration of the Noise Program................................. 18
Operating Philosophy of the Noise Administration...................... 18
Structure and Legal Position of the Office of Noise Abatement and Control...................................... 20
Public Education.. 20
Media Coverage.. 21
Noise Ordinance Distribution.. 22
Monthly Newsletters... 22
Water Utility Bill Inserts.. 22
Door Hangers.. 22
Public Notices.. 26
Homeowner Information... 26
Qualified Acousticians.. 26
Research and Development Results...................................... 26

5 San Diego Noise Abatement and Control Ordinance 30
Municipal Noise Ordinance 30
Division 1. General 31
Division 2. Administration 32
Division 3. Noise Abatement and Control Compliance 34
Division 4. Limits 34
Division 5. Public Nuisance Noise 37
Division 6. Violations and Enforcement 38
Future Plans and Improvements 38
6 Enforcement 40
Enforcement Guidelines/Philosophy 40
Enforcement Procedure 41
Complaint Procedure 41
Coordination of Noise Control Activities with other City Departments and Agencies 59
Case Studies 72
Case I: Exeessive Hospital Equipment Noise 72
Case II: Barking Dog Complaint 73
Case III: Noisy Commercial Establishment 74
State of California Laws Enforced 75
Equipment 76
Statistics of Enforcement 76
7 Budget 81
8 Program Evaluation 83
Accomplishments 83
Unresolved Issues 85
Future Plans 86
Footnotes 88

Appendix A

Persons Interviewed and Other Sources of Information A-1

Appendix B

Noise Task Force Members B-1

Appendix C

Minutes and Agendas of the Noise Task Force (Selected) C-1

Appendix D

San Diego Ordinance Publicity D-1

Appendix E

Public Notice E-1

Appendix F

City of San Diego, Engineering Department, Conference Notes (Selected) F-1

Appendix G

Representative Newspaper Article Educating the Public Concerning Noise.. G-1

Appendix H

San Diego Municipal Noise Control Ordinance.................... H-1

Appendix I

Office of Noise Abatement and Control Newsletter............... I-1

Appendix J

List of Approved Acousticians................................. J-1

Appendix K

Noise Impact Analysis Report on Proposed Road Improvements.... K-1

Appendix L

Noise Impact Analysis Report on Elementary School Affected by Street Traffic.. L-1

Appendix M

Newspaper Article on Enforcement Activities of the Aquatics Division.. M-1

List of Exhibits

1. Land Use of the Area of the City................................ 6
2. Racial and Ethnic Origin of the City's Population................ 6
3. Administrative Organization Chart: City of San Diego............ 8
4. Percentage of Respondents Identifying Noise Problems by Source.. 17
5. Water Utility Bill Insert... 23
6. Sample Door Hanger... 24
7. Door Hanger for Variances.. 25
8. Notice of Public Hearing... 27
9. Request for Homeowners Information............................... 28
10. Example of Research and Development Resulst on Barking Dog Problem.. 29
11, Applicable Limits.. 35
12. Decibel Correction Figures....................................... 36
13a. City of San Diego Noise Complaint Procedure Flow Chart........... 42
13a. City of San Diego Noise Complaint Procedure Flow Chart (Continued).. 43
13b. Noise Complaint Registration Form................................ 44
14a. Examples of Offender's Initial Warning........................... 45
14a. Examples of Offender's Initial Warning (Continued)............... 46
14a. Examples of Offender's Initial Warning (Continued)............... 48
14b. Application for Variance Permit.................................. 50
14c. Examples of Correspondence with Complainants..................... 51
15. Hearing Correspondence - Defendant............................... 52
16a. Hearing Correspondence - Complainant............................. 52
16b. Application for Appeal... 55
17, Example of Correspondence Citing Failure to Appear at Hearing.... 56
18. Prosecution Correspondence - Defendant........................... 57
19. Case Report to the City Prosecutor............................... 58
20. Examples of Transportation Noise Contour Limits.................. 62

21. Examples of Transportation Noise Contour Limits (Continued)........ 63
21. Traffic Flow Map........ 64
22. Notice for Accoustical Analysis Report........ 65
23. Example of Accoustical Analysis Report........ 66
23. Example of Accoustical Analysis Report (Continued)........ 67
23. Example of Accoustical Analysis Report (Continued)........ 68
24. Approval or Disapproval Stamp Used for Building Plans........ 69
25. Estimated 1977 Workload Breakdown........ 77
26. Breakdown of Complaints Received by Types........ 78

Introduction

Objective of the ECHO Program

This study will serve as a program tool to support ECHO, whose purpose is to provide technical assistance to State and local noise control and abatement programs. The specific objective of ECHO is to arrange for managers of developed, effective, and on-going local noise control programs to assist other communities in starting successful noise control programs. These managers or, as they are called in the ECHO program, Community Noise Advisors (CNA), will provide advice and assistance to other communities by using ONAC's assistance and relying on tools such as the case histories documented in this report. ECHO's stated objective is to start local noise control programs in 400 communities and 40 States by 1985, including as a minimum:

- Noise control ordinances incorporating quantitative standards;
- Adequately trained personnel and budget;
- An on-going, effective enforcement program; and
- A State technical assistance program for locals.

Examination of the above-described ECHO framework implies that well-documented case histories describing the successful experience of other communities will provide real assistance to the CNAs, who ultimately will be responsible for starting successful programs in each of the 400 communities and 40 States selected throughout the United States. The desire to have documented and actual experience of communities was expressed on several occasions to members of the research team during the interview phase of the San Diego case study. It was considered the most effective tool for conveying, in a substantial and sufficiently detailed manner, the experience of cities and States in initiating and carrying out successful noise control programs themselves.

Methodology for the San Diego Case Study

San Diego, California was selected by ONAC, based on an on-going and outstanding noise control program. The methodology for the case study is described in the following paragraphs.

EPA's project manager announced the selection of San Diego as a case study city in a letter to the city manager and requested assistance for the selection of a fact-finding team.

With the assistance of the San Diego noise abatement and control administrator, interviews were arranged in advance with knowledgeable persons in and outside of the noise program. During the 4-day visit, the team was introduced, and was offered access to the photograph and graphics collection of the city of San Diego, which could be beneficial to the development of a sound-on-slide show.

The objective of the trip was to interview a cross section of persons either initially involved or currently active in the noise abatement and control program of the city. Most of the information was obtained from interviews with the following groups, as well as from several written sources (both types of sources are referenced in Appendix A):

- The Noise Control Administrator
- The Police Department
- The entire County Noise Control Board called in session for the sole purpose of being interviewed by the fact-finding team
- The Environmental Quality Department
- An acoustical engineer
- The City Attorney's Office
- Senior planners from the city and the county of San Diego
- A complete noise abatement hearing
- The city photographer
- Senior planners and the airport manager from the San Diego Unified Port District, operator of the San Diego International Airport
- The Chamber of Commerce
- The Comprehensive Planning Organization of the San Diego Region

From discussions with representatives of the organizations identified, an accurate analysis of the San Diego noise abatement program was made. Insight was provided into areas such as program initiation, the legislative process, early publicity given to the program, current quantitative noise standards, and the enforcement status of the State of California noise abatement laws. Also, a complete documentation of the current administration of the program, its budget, its enforcement, and planned future activities was made.

Relevant Characteristics of the City of San Diego

It is important to highlight a few of the socioeconomic, topographic, and governmental characteristics of the city, since they have a direct bearing on the noise issue in San Diego. Some examples follow.

(1) Publication of noise literature in Spanish (in addition to English, of course) by the Noise Abatement and Control Board can be explained by not only the ethnic origin of a portion of the population, but also the historical connection of the city with the country of Mexico.

(2) An "intrusive impact of an everyday community noise problem"[1] can be caused by a dog population that, on a per capita basis, is more than twice that of the District of Columbia.[2]

(3) The configuration of the terrain, including canyons, does present special noise problems.

(4) The structure of the city government facilitates a high degree of communication on noise issues among the Noise Abatement and Control Board, industry, citizen groups, citizens, and elected representatives of the city.

(5) Four interstates and one other major highway pass through residential areas for the entire length of the city.

This section will discuss briefly some of these characteristics.

The beginnings of the area in which the city is located originate in 1542, when a Portuguese explorer claimed the land for the King of Spain. The area was named San Diego 60 years later by a Spanish explorer. Colonization began in 1769 when the first California mission was established in the area as Presidio Hill. San Diego remained under the flag of Mexico until 1848; it was incorporated as a city on March 27, 1850 (population less than 731), the year California became a State. After trying several different forms of government, voters (population 154,000) adopted the present city charter in 1931, establishing the council-manager form of government under which the city operates today.[3]

The city is located in the county of San Diego (approximately the size of Connecticut) in the southernmost tip of California; its western boundary extends 70 miles along the Pacific Ocean and inland to the east for 80 miles (having an area of 4,255 square miles). The city occupies the southernmost portion of the county along the Pacific Ocean, and borders on Tijuana, Mexico. It consists of 319.5 square miles or 204,466 acres.[4]

San Diego is a city of mesas, canyons, beaches, and natural bays, and has an elevation that ranges from sea level to 1,591 feet.[5] The topography of the city is important to note, since sound orginating from motorcycles, jet engines, helicopters, military test bays, and other sources travels along canyons for considerably longer distances than over flat land, thus affecting populated areas all along these canyon areas.

San Diego is the eleventh largest city in the United States, its estimated population on January 1, 1977, being 802,800 or approximately one-half that of the county (1,656,800).[6] The 204,466 acres of land in the city are zoned as shown in Exhibit 1. A special census for 1975 showed that, of the total

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1. All footnotes are given at the end of the text.

population, 62,295 lived in an off-base military area. The population of the entire city (including military) had the racial and ethnic characteristics shown in Exhibit 2.

Exhibit 1

Land Use of the Area of the City[7]

Land Use	Percentage
Residential	17.71
Commercial	2.22
Industrial	3.46
Public (parks, military, public schools, etc.)	20.87
Semipublic (churches, hospitals, etc.)	1.56
Agricultural	16.05
Vacant	26.29
Streets	11.84
Total	100.00

Exhibit 2

Racial and Ethnic Origin of the City's Population[8]

Origin	Percentage
White	80.54
Black	7.46
Latino	8.09
American Indian	.29
Filipino	1.90
Japanese	.40
Chinese	.33
Other Asian	.31
Other	.68
Total	100.00

As mentioned, the city operates under the council-manager form of government. The significance of this form of government is that the eight City Council members (each representing a voting district of the city) have control over the city manager, thereby ensuring a more responsive administration. The reason for this responsiveness is that the voters elect a nonpartisan City Council, which acts as the city's legislative and policymaking body. The city manager in turn is elected by the Council and serves as the chief administrator, implementing the programs and policies adopted by the Council. The Planning Department Director reports to a Planning Commission appointed by the Mayor and Council. Decisions by the Planning Commission can be appealed to the Mayor and Council. The Mayor is a voting member of the City Council but does not have veto power. His role is that of primary spokesman for the city; he is nominated and elected at large, makes numerous public appearances, and makes recommendations to the City Council.[9]

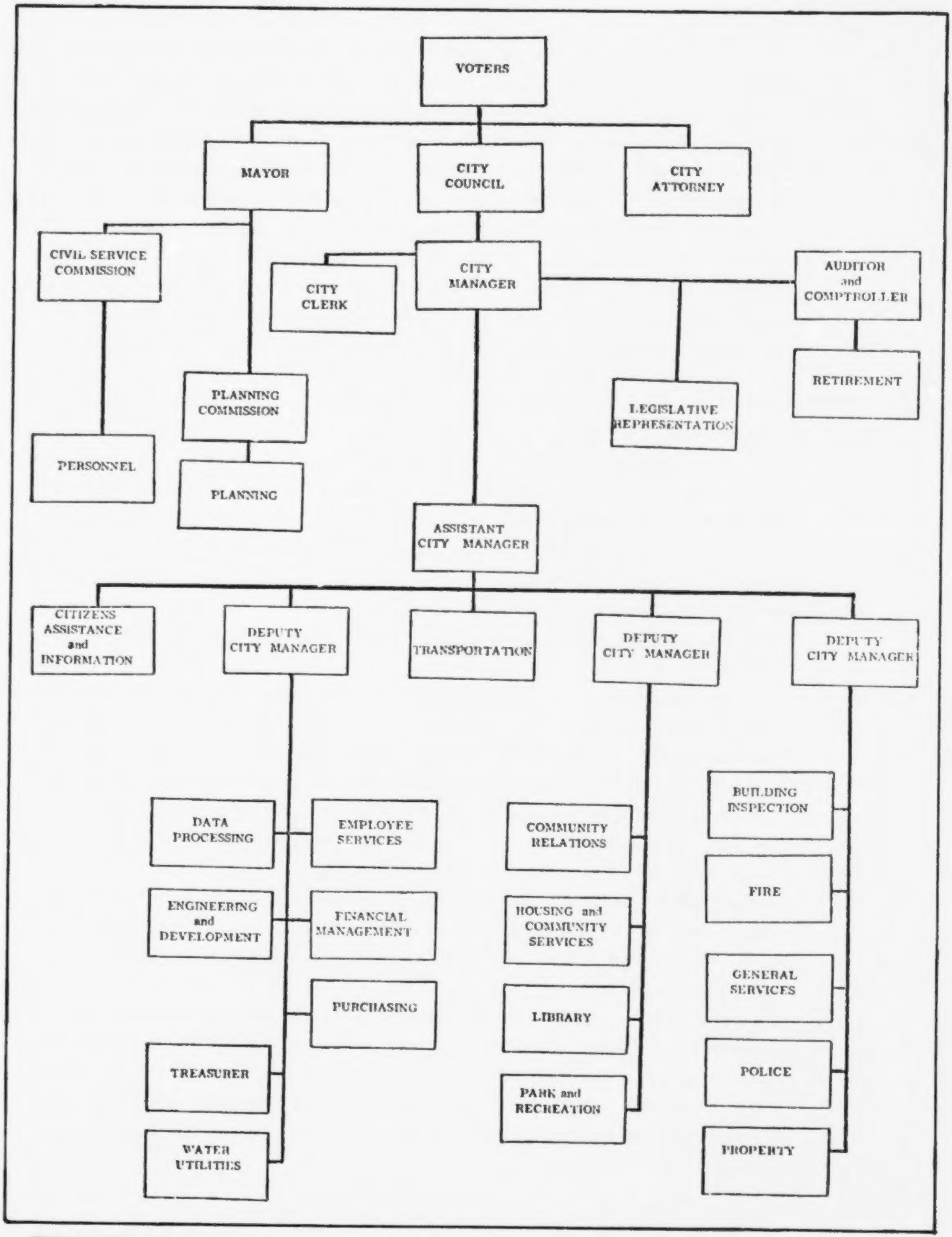
On the other hand, each City Council member is elected by and represents the citizens in his or her district. The City Council is the governing and legislative body responsible for the city's laws, policies, and programs. By charter, the City Council appoints the city manager; approves contracts, ordinances, and resolutions; sets the tax rate; adopts the annual budget; and makes or confirms appointments to various city boards and commissions. It also meets as the San Diego Housing Authority and the San Diego Redevelopment Agency.[10]

The significance of this form of government relative to the noise issue is that it appeared to the fact finding team that intercommunication between the administrator, citizen groups, and the Council was effective. It seems that the Administrator communicates regularly with the Council in session at its request. Individual members of the Council are fully aware, on an almost daily basis, of issues concerning noise. Citizen groups active in noise are continuously updating Council members on current issues. Prominent citizens with a noise-oriented technical background seem to have the ear of legislators, and their ideas are readily communicated to the administrator and other department heads dealing with noise. Exhibit 3 presents an organizational chart of the city government.

The city is a member of the Comprehensive Planning Organization (CPO) of the San Diego Region. The CPO is a Council of Governments for the San Diego region and has a number of noise-related programs representing the 13 incorporated cities and San Diego County. The California Department of Transportation is an ex-officio member, while the city of Tijuana, Mexico, is a honorary member.[11]

Exhibit 3

Administrative Organization Chart: City of San Diego[12]
1977


VOTERS
MAYOR
CITY COUNCIL
CITY ATTORNEY
CIVIL SERVICE COMMISSION
CITY CLERK
CITY MANAGER
AUDITOR and COMPTROLLER
RETIREMENT
PLANNING COMMISSION
LEGISLATIVE REPRESENTATION
PERSONNEL
PLANNING
ASSISTANT CITY MANAGER
CITIZENS ASSISTANCE and INFORMATION
DEPUTY CITY MANAGER
TRANSPORTATION
DEPUTY CITY MANAGER
DEPUTY CITY MANAGER
DATA PROCESSING
EMPLOYEE SERVICES
ENGINEERING and DEVELOPMENT
FINANCIAL MANAGEMENT
PURCHASING
TREASURER
WATER UTILITIES
COMMUNITY RELATIONS
HOUSING and COMMUNITY SERVICES
LIBRARY
PARK and RECREATION
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Initiation of the Noise Program

The purpose of this section is to describe the events that led to the enactment of the ordinance controlling noise in the city. It discusses how noise as a problem was rated by the general population, and how noise was rated as one of the many environmental issues. It describes the prior status of the noise issue and the people who were involved in making noise problems known. Whether because they felt it was a health issue or because it provided a political platform, an able group cared to attack an environmental issue that was of great public concern in the early 1970's. And thereby, what was essentially a health issue was turned into a city ordinance by using the city's political process. Admittedly the political process was filled with compromises, and it produced a weak ordinance. Yet the noise ordinance was workable and accepted by all, and it served as a vehicle to the development of a comprehensive and effective noise program only 3 years after its enactment.

Conditions Before the Program

According to the current director of the Environmental Quality Department (EQD), the specific noise issues of the city prior to the program consisted of nuisance factors: barking dogs, loud music on buses, transportation noise from aircraft engines, highway motor vehicles, and motorcycles.[13] In the words of Councilman Hubbard, "There are just an awful lot of people in San Diego who love dogs, resulting in a dog population of close to 200,000".[14] Noise from motorcycles was a great problem, because San Diego has reverberant canyons with housing banked against the walls.

A survey specified transportation noise as the most important single source of noise pollution. This conclusion is readily understandable, since five major highways span the entire length of the city, mainly through residential areas, generating a high level of ambient noise 24 hours a day. Added to this is noise made by overflight and landing/take-off of jet aircraft.

The city has one major commercial airport, Lindbergh Field or San Diego International Airport, located in the center of the city and surrounded by approximately 30,000 housing units, which, on the average, are within 4,000 feet of the closest point of the runway. Expressed differently, 30,000 housing units are exposed to daily overflight of approximately 200 aircraft at altitudes of less than 220 feet.[15] In addition to Lindbergh Field there are two major military airports, both of which present noise problems. They are the U.S. Naval Air Station located on North Island in San Diego Bay and Miramar Naval Air Station located near the suburb of Miramar.

Factors Leading to Program Commencement

During September 1971 primary mayoral campaign, noise was used among other issues as part of a candidate's platform. She interpreted the results of a noise attitudinal survey sponsored by the Comprehensive Planning Organization (CPO) as a political problem.

The survey of some 4,000 households in San Diego established a definite adverse attitude on the part of the population toward noise. Some 64.7 percent of the respondents perceived that noise pollution, defined as loud or prolonged noises, was a problem in their neighborhoods or in other areas. Of that percentage, 66.7 percent felt that noise pollution was a medium or large problem.[16]

Extrapolating these percentages to the city's households and population means that 326,000 people, or 41 percent of the city's population in 1971, perceived noise as a problem. Furthermore, 40.4 percent of the respondents felt that the government was not taking sufficient action to prevent and control noise pollution.[17]

That survey clearly established noise as a major problem requiring further attention. Shortly after the mayoral campaign in December 1971, a Noise Task Force of the Environmental Health Committee of the Comprehensive Health Planning Association (CHPA) of San Diego and Imperial Counties was established to outline strategy and to establish goals and methods. This task force represented the first organized effort to abate noise.

The intent of the Task Force was not to draw up legislation, but to investigate whether there were any health problems associated with noise--hence the involvement of the CHPA. Also, CHPA provided a focal point for the group, as well as clerical support. It was thought that serious health effects might result from noise pollution. And at that time people were beginning to be aware the environment posed health problems in general.

Actual work by the task force began in January 1972, with Virginia Taylor as chairwoman. The uniqueness of the task force was its composition. It brought together a cross section of people such as physicists, physicians, engineers, psychologists, audiologists, housewives, medical and law students, acousticians, attorneys, private citizens of San Diego, environmentalists and chemists representing the universities, the professions, and the Armed Forces. The membership roster of the task force is presented in Appendix B.

The task force began its work on the premise that if the public is educated it will quickly realize that noise is one of the most harmful pollutants to man.

Harm goes beyond hearing loss, which is considered only a minor part. Injury to the body, the nonaudio effect, is far worse.[18]

The persons most prominent in the task force have also stayed active in the noise program to this day.[19] Thus,

- Virginia Taylor is currently the chairwoman of the San Diego County Noise Control Hearing Board (County Board).
- Lucy Pryde, environmental chemist, is currently the research person for noise with the Sierra Club in the city.
- Maureen Smith is chairwoman of the San Diego County War Against Litter.
- Carol Sue Tanner, M.E., acoustical engineer, is a partner in San Diego Acoustics, Inc., a firm providing consulting services to builders needing to conform with the city's noise code.
- Dr. Robert Gales, acoustical physicist, is with the Naval Undersea Research and Development Center.
- Dr. Robert W. Young, world-renowned acoustical physicist, is with the Naval Undersea Research and Development Center and is also a member of the Board for the Abatement and Control of Noise for the City of San Diego (City Board).
- Maurice Schiff, M.D., known for his research in nonauditory effects of noise, is currently practicing medicine in the city.
- Ardetta Steiner is a citizen activist.

Described next is the work of the task force from January 1972 to April 1973, a 16-month period during which the task force carried the fight against noise pollution on its own. During that period, the task force acted as a citizen group without any mandate from a government organization. According to Virginia Taylor, the task force did raise a lot of money; however, most of the work was done on a voluntary basis by professional or student groups.

During that period the task force carried on its work in monitoring noise levels, investigating noise issues, seeking publicity for the noise cause, and drawing up and designing an ordinance. The first step of the task force after its official formation on January 6, 1972, was to monitor noise at various locations in the city.

One survey carried out at Montgomery General Aviation Airport showed that residents were more irritated by loud construction noise than by airplanes. Studies undertaken at the Union Valley Shopping Center, at San Diego State University, and at a location downtown showed that 80 to 90 decibels of noise were irritating to most people, but that this varied with individuals and circumstances. A study sponsored by the La Jolla Kiwanis Club showed that even in a supposedly quiet community, noise levels were well above what was considered healthy. The surveys were made at representative sites with borrowed equipment. The surveys were conducted by students from the local

University. These surveys were used to urge legislation, and they helped to convince a member of the City Council of the need for an ordinance.

Besides the surveys, the task force realized that a more concentrated effort was needed to bring about quantitative noise legislation. (The accomplishments of the task force are documented in the minutes of its meetings. The minutes of four representative meetings held during the above mentioned 16-month period are included as Appendix C.) Thus, as a next step, the task force undertook the investigation of individual noise issues in the city.

One of the major issues was the noise generated by jet engine bays at Miramar Naval Air Station. Because of air currents and inversion conditions, and the lay of the land, this noise traveled as far as 10 to 12 miles. Testing was also conducted at night, the Navy said, in durations of 10 seconds to several minutes, generating sound levels far in excess of acceptable standards.

The task force also found that the Subdivision Public Reports issued by the State Department of Real Estate made unsatisfactory and misleading statements concerning the noise insulation for single-family homes in new subdivisions near Miramar. The task force, with the approval of the State attorney general, put together descriptions of noise and its effects that were subsequently included in a full-disclosure statement. The disclosure statement included information on noise levels; what noise level information means; that Miramar-originated noise occurs day and night; and that 8 inches of insulation did not provide sufficient protection against noise. As soon as adequate disclosure of existing and projected noise problems was publicized in the Subdivision Public Reports and in the newspaper, concern was expressed by groups and individuals in the city.[20]

The task force also established a Speakers Bureau on Noise to make speakers available to communities, schools, and adult groups. Other issues taken up were aircraft noise from overflights, noise associated with municipal service, the impact of noise on children, and the need for development of a San Diego noise impact map.

From its inception, one of the primary purposes of the task force was to bring about quantitative legislation. As early as February 1972, a request for liaison with the city to recommend a noise ordinance was sent to the director of the Department of Community Development. Also the California Model Ordinance and EPA documents were examined, along with ordinances of other cities such as Chicago.

By March 1973, results of task force work were enough to convince Councilman Bates to adopt the noise issue and introduce new quantitative noise control legislation to the Council (Appendix D). Councilman Bates, a new and young member of the City Council, provided the initial spark to have the Council address the noise issue and instruct the city manager at least to discuss the new ordinance with members of the task force.

The ordinance introduced by Councilman Bates in the spring of 1973 covered all known sources of noise in San Diego; however, it drew immediate opposition from builders, the construction industry, the airlines, the airport, and the automobile interests. (These issues are discussed in the next section.) The proposal drew considerably more opposition from the City Attorney's Office and from legal counsel representing industry than it did from industry spokesmen. The proposal represented in some instances the taking of property without due process. Since the proposal was drafted without the benefit of legal counsel, it is not too surprising that it contained language in conflict with the United States Constitution. The City Council and the City Attorney's Office attempted to codify the intent and spirit expressed in the proposal within the framework of legal doctrine. The weakness of the ordinance was associated with the difficulties of regulating citizen activity by law within the confines of the United States Constitution. It was difficult under these constraints to write successful legislation which would have been more restrictive. And this is the reality and the frustration of administration and enforcement of the ordinance. Although the ordinance was weak, it became one of the most successful noise abatement programs in the country: by amendments, administrative skills, and through coordination with other departments of the city, State, and independent agencies.

Publicity

Most of the publicity before the enactment of the ordinance was carried out and sponsored by the task force. Councilman Bates was convinced that the noise problem was widely recognized by San Diego residents, as established by opinion polls, health statistics, and literature.[21]

The first milestone in the publicity campaign conducted by the task force was Dr. Schiff's presentation in a Rome, Italy noise conference early in 1973. Portions of this presentation were carried worldwide by the press and picked up by the news media in San Diego. His premise was that nonauditory effects of sound were far more dangerous than hearing damage. He advocated that noise be thought of not as "sound" but as a "stressor" such as any other organ is exposed to if abused, e.g., visual stress, auditory stress, and thermal stress. He also stated that noise stress is cumulative, and that the sum total of the damage done to the human body is greater than its parts.[22]

The publicity campaign of the task force was designed to counteract the resistance generated by industry. In this fight, the umbrella provided by CHPA, as the focal point, was important to the task force in obtaining press, radio, and TV coverage.[23]

The noise surveys mentioned previously were performed with as much publicity as the task force could obtain. The local newspapers and TV were quite cooperative. Public announcements were made of task force meetings. Members of the task force went on a 2-hour phone-in radio program on noise problems, and a similar TV program was also conducted. The newspapers also picked up the noise issue. Other publicity included news releases from Jim Bates' office and TV editorial statements.

As previously mentioned, in 1971 the population thought that transportation noise was the most annoying--specifically aircraft and highway noise. An opinion survey made in June 1975 showed that aircraft and motor vehicles (cars, buses, and trucks) still headed the noise problem list. In this survey carried out by an independent California corporation and from 300 telephone interviews between June 13-27, 1975, sources of noise problems in neighborhoods were identified. They are given in Exhibit 4.

Exhibit 4

Percentage of Respondents Identifying
Noise Problems by Source[24]

Source	Percentage
Aircraft	17
Traffic	17
Motorcycles	14
Dogs barking	11
Loud music	8
Construction	1
Trash pick-up	1
Other	1
Don't know	30
	100

Legislative Process

Recognizing that the noise issue was a genuine public concern the political forces in the city took control of the citizens' efforts and turned the noise issue into a viable ordinance. Also documented are how the opponents (construction industry, airlines, and the like) of the proposed legislation were able to retain the status quo by threatening to fight a strong new law in the courts (were such a law passed).

Ordinance Proposed by the Task Force

The period described in this section extends from approximately March 1973 to September 1973, when the City Council adopted Article 9.5, Noise Abatement and Control, of the San Diego Municipal Code. During this time, a great deal of political maneuvering took place.

In March 1973 public notice, the task force argued against enactment of the ordinance because it was found "that the ordinance sponsored by the City [in response to Councilman Bates' proposal] has been so modified as to be useless and even detrimental for its intended purpose." (The public notice is presented in Appendix E.) Public rejection of the ordinance by the task force generated enough publicity so that the Council instructed the administrative machinery of the city to institute a series of meetings between task force members and the city government. These meetings took place between April and May 1973 and are documented in Appendix F.

These meetings represented a genuine effort on the part of the city administration to turn the proposed ordinance into a viable and enforceable one and to present it to the City Council. The meetings were usually attended by the Mayor's representative, one councilman, Jim Bates' representative, and representatives of departments and agencies such as airport, city attorney, policy, building inspection, planning, environmental quality, and health and safety.

Each issue in the ordinance proposed by the task force was examined for legal ramifications, preemptions by State laws, and jurisdictional problems. These issues were as follows:

Issues Proposed by Task Force	Potential Problems Foreseen by City Staff
• Airport noise	• Possible preemption by State and Federal Governments
• Noise Advisory Board	• Appointment by lottery is in violation of the City Charter
• Noise abatement administrator	• Will the appointment be made by city manager or department head?
• Appeals board	• Same comments as on Noise Advisory Board. Should it be one man with a citation book? Will it have ability to subpoena? Should responsibility for monitoring be given to firemen or policemen?
• Watercraft	• This overlaps jurisdiction of the San Diego Unified Port District, an independent authority administering the Lindbergh Field and water areas.
• Authority of the ordinance	• Task force envisioned penalties of even shutting down factories and other industries.
• Regulation of noise emitted by military aircraft	• The potential avoidance of noise laws by the military, based on National Defense.
• Vehicle noise	• According to the State Vehicle Code, as interpreted by the State attorney general, California cities cannot regulate vehicle noise.
• Building noise control standards	• The building inspection department wanted to develop a separate ordinance which would have been incorporated in the proposed ordinance only by reference.
• Placing time limits on construction activities, including the use of equipment	• Resistance by the industry and the threat of prolonged court fights.
• Noise limits on transit buses	• Inability of the city to comply.

Ordinance Adopted by the City Council

By May 1973, it was clear to the Council that no viable and enforceable ordinance was in sight. After much of the objectionable material in the proposed ordinance was removed, a municipal ordinance was adopted by the City Council on September 4, 1973. The period between May and September was crucial for several reasons. New personalities were introduced; the role of the task force diminished to an inconsequential level; industry put in motion all of its forces to obtain its point of view; and a new ordinance was obtained.

A new, relatively unknown from the Environmental Quality Department was named by the City Manager's representative to compile inputs to the draft ordinance. The person was James Dukes, who was later appointed as the first Noise Abatement and Control Administrator, the job currently held. Another new person entering the noise issue in May 1973 was a representative of the Construction Industry Coordinating Council (CICC), which was sponsored by the Associate General Contractors of America, the Building Contractors Association, and the Trenching Contractors Association. This representative had a great deal to do with formulation of the ordinance and as representative of the third voting district of San Diego, Lee Hubbard is now serving his second term as Councilman.[25]

The specific issues the industry fought against during the 3 months preceding the adoption of the ordinance by the Council are discussed below. The airlines fought a proposed tax on heavy noisemakers, which would have included them. The idea was to pay $2 per ticketed passenger for the convenience of using a close-to-downtown airport. The revenue collected would have gone for noise control purposes such as insulating hospitals, schools, etc. Also, a midnight to 6 a.m. curfew was unpopular with the airlines, as was an attempt to cut back the number of flights to and from San Diego.[26]

During the same period, the Air Transport Association started a lawsuit claiming that the Port had no jurisdiction over airplane noise in the air. The suit was primarily against the State because of its regulations, but the Port was included because it was installing its noise-monitoring program in conformance with those regulations.

The construction industry attacked the proposed ordinance from several points of view. First, the industry foresaw a great impact on the city's budget to support enforcement of the ordinance, and suggested that the city manager be alerted to possible annual costs. Second, the industry wanted a building contractor included on the board. Third, the sound level limits proposed were much lower than those in San Francisco and Orange County ordinances, and were lower than needed to protect health. Ambient levels that were too low could bring about inverse condemnation, inasmuch as they could preclude the use of property.

The industry was also concerned over the application of noise level measurements to the property line and stated that a residential area about to be developed might find itself obliged to install noise insulation standards because of the ambient noise of a shopping center next door, for example. The industry suggested that the ambient noise measured would be only that emanating from the property in question.

The opinion of the industry was that the section on fixed and nonstationary sources of noise as written in the proposed ordinance would stop all construction within 12 months, and that contractors would fight it in court if necessary.

Also, to protect residential areas against the arbitrary application of noise insulation standards (which would greatly increase the cost of houses), the industry recommended that sound level limits be enforced through the designation of noise control zones rather than by building standards alone.

The construction industry still considered noise as a regional rather than a local issue and strongly recommended that the ordinance be held in abeyance until the 13 communities in the area agreed (possible under CPO auspicies) on an ordinance that would apply equally throughout the county.

The San Diego Gas and Electric Company felt the levels were too low and was particularly concerned, like CICC, about the fact that noise would be measured at the boundary and that the lower sound level would apply. The utility company wanted to have this changed, particularly after a test of their transformers showed that there would be conflicts. Certain residential area transformers were found to exceed the proposed allowable sound level. Under the ordinance, the utility company may have been required to build a structure around such transformers, the expense of which would be prohibitive. The utility company therefore requested higher noise levels for the ordinance.

It was quite clear that the construction and other industries would not let pass the ordinance as proposed by the task force. The ordinance was reworked and reformulated to conform to the objective of the administration, i.e., to produce a viable and enforceable ordinance. In June 1973, the City Council received a proposed ordinance that omitted almost all of the clauses that were objectionable to industry, with the following effects:

- The powers of the administrator were diluted,
- The minimum staff proposed was reduced.
- A proposed larger budget was cut down to $25,000 for the first 9 months,
- The proposed direct report to the Council was deleted, being in conflict with the city management form of government,
- Specification of definite noise limits for off-highway vehicles was modified,
- Quantitative limitations for the construction industry were lessened considerably, and
- All references to aircraft noise were deleted.

Basically the Council wanted on ordinance with a high likelihood of success, that is, one that would be successful if challenged in court.[27]

A number of other cities were contacted to see what they had been doing in their noise programs. Ultimately, the city followed the municipal standards based on the recommendations of the League of California City Standards.[28]

The basic points of the city's philosophy are:

(1) The ordinance should strongly advocate compliance rather than punishment.

(2) It is an inviolate principle of the administrator that the source of noise regulation should not be in the municipal ordinance since it is a Federal responsibility. Should such a municipal ordinance exist, the manufacturers would be glad to comply by providing equipment at a certain multiple of the standard price. Such a regulation would subject industry to an unreasonable cost and would not be economically viable.[29]

(3) Noise levels set at property boundaries should be associated with zoning for land use. Basically, the ordinance used the guidelines recommended by the International Standards Organization together with EPA recommendations, which were new at that time.[30]

(4) The noise ordinance should not be monitored, i.e., no one should walk around with a citation book.[31]

(5) The vast majority of construction and utility projects will sometimes exceed the ordinance limits, as will noise from sport stadium events, motor boat races, transit buses, and other sources. On a day-to-day basis, there is no way that industry will always be able to meet the terms of the ordinance.[32]

(6) The ordinance does not eliminate construction equipment noise (nor does it need to be eliminated). The construction industry will ignore the ordinance completely.[33]

(7) The city must have a noise control ordinance. Quality of life is rated high in San Diego and the noise problem is an important issue. A noise ordinance should protect people in residential areas from barking dogs, loud stereo systems, and so forth.[34]

The new ordinance was adopted by the City Council on September 4, 1973. Jim Dukes was appointed as the Acting Noise Abatement and Control Administrator on October 19, 1973, the effective date of enactment.

Administration of the Noise Program

This section describes the full administrative extent of the program and shows the general administrative concepts, the involvement of other departments and agencies, and the relationship among departments. How the public is made aware of the noise abatement program is also discussed.

Operating Philosophy of the Noise Administration

The basic operating concept of the Administrator has been to make the office a research and development center, with more emphasis on development. The idea is to encourage other departments to bring their problems to the office so as to centralize the issue. The noise office solves the problem instead of trying to develop a problem-solving capability in other departments.[35] All aspects of the noise program are handled and it is recognized that it is far better to utilize the existing skills in other departments such as the City Attorney's Office and Police Department for routine enforcement.[36]

The office's basic program objectives are to:

- Define short- and long-term goals for the noise program,
- Define specific problems, find solutions and implement them, and
- Distribute enforcement authority along with the proper tools to the department most familiar with the source of the problem.

A typical example is how the office handled barking dog complaints. A large number of people are disturbed by barking dogs, as evidenced by the surveys. After the ordinance was passed, barking dogs came under the new noise ordinance (since the Police Department had neither the ability nor the budget to continue handling barking dog complaints satisfactorily.) The office developed a procedure to handle complaints along with followup procedures once the complaint was made. The enforcement procedure, based on compliance rather than on punishment, has worked so well that the office now proposes that barking dog problems can be handled cost effectively by the Animal Regulatory Agency. The proposal also includes a dog food tax based on the concept of benefits and costs.[37]

In addition to the research and development concept, compliance is also a major component of the program. The Administrator seeks to have violations of the noise control ordinance resolved through compliance rather than punitive judgments. Coordination and cooperation among the other city agencies is a component of paramount importance to the administration of the ordinance.

Another application of the office's research and development concept is in the Aquatics Division of the San Diego Department of Parks and Recreation, which has used the office's coordination and cooperation framework to alleviate the problem of noisy motor boats in the harbors. An existing State law, the Harbours and Navigations Code of California, prohibits the use of motor boats that exceed stated noise levels. The office performed sound level measurements and developed procedures for the Aquatics Division to test boats for acceptable sound levels. The office was instrumental in developing the Aquatics Division's noise control program through providing demonstrations of equipment and measurement techniques, assisting in the ordering of appropriate equipment, providing assistance with the implementation of the program, and providing recommendations on a continuing basis. A recommendation currently under consideration by the office is to have the Aquatics Division perform safety and noise tests simultaneously for boat owners seeking operating permits. This idea of administering and coordinating the noise control program through all the appropriate city agencies is one key element of many successes of the city's noise control program. Involving other appropriate city agencies in the noise control program gives the program additional exposure and clout through program administration and enforcement.

The administration of the program allows for feedback from all levels, whether formal or informal. Feedback is another important element of the program. For instance, feedback received from the police on what hinders or aids their enforcement of the noise ordinance is useful in evaluating and formulating amendments to the noise control ordinance or noise control program. In addition, the Administrator goes to the Noise Abatement and Control Board whenever a problem area is encountered related to the ordinance, or to make recommendations for amendments. Based on this interaction, the Board appoints a committee to investigate and analyze the problem area or recommendations in order to formulate ordinance amendments, if so required. In turn, the proposed amendments are presented to the Administrator and then to the Mayor and Council via the Manager's office for approval.

In conclusion, successful administration of the City of San Diego Noise Abatement and Control Program is being obtained through the research and development philosophy, with an emphasis on development, and through efforts to achieve compliance by violators of the ordinance. However, stringent punitive enforcement is used as a last resort when all else fails. All violators, if prosecuted, are penalized under the criminal statutes. The office views itself as a place of knowledge for noise control. Rather than taking a punitive attitude toward a violator, the office assumes the problem itself. After assuming the problem, it works with the violator to achieve an acceptable and viable solution for all parties concerned. A similar philosophy is expressed in supporting other city agencies. The office's position is not to take over a given city agency's jurisdiction, but rather to coordinate with and assist that agency in resolving the problem. This type of coordinating and supportive noise control program administration has worked well in the city of San Diego.

Structure and Legal Position of the Office of Noise Abatement and Control

The Noise Office is part of the Building Inspection Department, and the Administrator reports to the director of that department. The Noise Office currently consists of four persons: the administrator, one investigator, a stenographer, and a clerk typist.

Since most of the city departments were involved in the writing of the code, other departments are aware of the function and the work of the office.[38]

The Administrator deals with other departments through the hierarchy, i.e., through the department heads. However, there is also a great deal of informal communication. The development of new standards is also approved by the Mayor and the Council via the hierarchial route: the Administrator, the head of the department, the city manager, and the Council.[39]

A hearing set by the Administrator constitutes one of the three steps of the compliance procedure before a noise violation goes to court. (Usually, however, violators comply before a case goes that far. For example, in 1976, in an estimated 4,800 noise complaints, only five were tried in criminal court and two in civil court.) The Administrator opens a hearing with the following words addressed to the violator: "This is a criminal case under the Municipal Code . . . . You have the right to counsel, and any statements you make can be held against you." Such an introduction, coupled with a professionally conducted hearing, usually produces the desired effect of compliance. The code gives the Administrator legal authority to conduct hearings.[40]

Public Education

When the Office of the Administrator was established, the office genuinely wanted to determine what noise problems people have. Although the earlier surveys showed that people were concerned about transportation noise, airports, and other noises, the question still was, "What are the specific noise sources that people would like to do away with?"

The office then started an advertisement campaign and a registration program. Its purpose was to draw out people and to determine the nature of complaints. The program was oriented toward residential areas of the city.

Not surprisingly, when people began to call (since the previously indicated surveys had shown dog barking as a major problem), the volume of complaints were registered in the following order:

- Dog barking
- Amplified music
- Swimming pool pumps
- Air-conditioning units
- Loud vehicles on the street[41]

Educating the public about noise, noise abatement, the effects of noise on humans, and what could be done about noise (enforcement) was a crucial element of the program. As stated earlier, the noise control program operates most effectively through noise complaints. In this regard, the public had to be effectively notified and educated about noise and where to go for assistance and further information. Techniques used to accomplish this task are discussed below.

Media Coverage[42]

Newspaper Articles. The media proved helpful and supportive of the noise control program. Approximately 30 articles relating to the program have been published in the local papers. Such articles are printed from time to time as the program continues. Initially, the articles were printed to inform and educate the public on noise and noise control. The articles stimulated a great deal of public interest and have resulted in large numbers of inquiries and complaints. A representative sample of newspaper articles is contained in Appendix G. In addition, magazine articles have been printed about the program.

Television Appearances. The Administrator made several appearances on television to inform the public about the function of his office. A number of these appearances were made during newscasts. (Approximately 20 were related to newscast appearances.) In addition, a continuing public education program was developed for television and is aired approximately twice a month. The format of the program presents the Administrator, Dr. Robert Sandlin of the Noise Abatement and Control Board and a narrator in a round table discussion about noise control. The program is centered around a discussion among three participants and addresses how noise affects people, what kind of problems are associated with noise, how the noise control program works, and where to go for assistance.

Radio. Coverage of the program and information about noise control have been presented on radio shows. The format on the radio shows was similar to that of the public education television program. However, the radio program allowed listeners to call in and ask the participants questions, which were answered on the air. The broadcasts generated a great deal of interest and enthusiasm about the program and the entire area of noise control.

Noise Ordinance Distribution

Free copies of the Noise Abatement and Control Ordinance were made available to the general public. The ordinance distribution campaign enabled the public to see what the ordinance contained and what the ordinance was able to do. The public was encouraged to obtain copies of the ordinance, especially if there was any question about a possible violation. A copy of the latest ordinance dated March 22, 1977, is contained in Appendix H.

Monthly Newsletters

The Administrator developed an informative newsletter for distribution to the public for information purposes. The newsletter presents current developments concerning the administration and enforcement of the noise control program. It alerts the public to revisions of the ordinance that may in turn affect compliance to newly established standards. The newsletter also contains information on results of research performed by the office. In general, the newsletter serves as a medium for the exchange of ideas in noise control. Other noise offices in and out of the country receive the newsletter through subscriptions. A sample copy of a newsletter is given in Appendix I.

Water Utility Bill Inserts

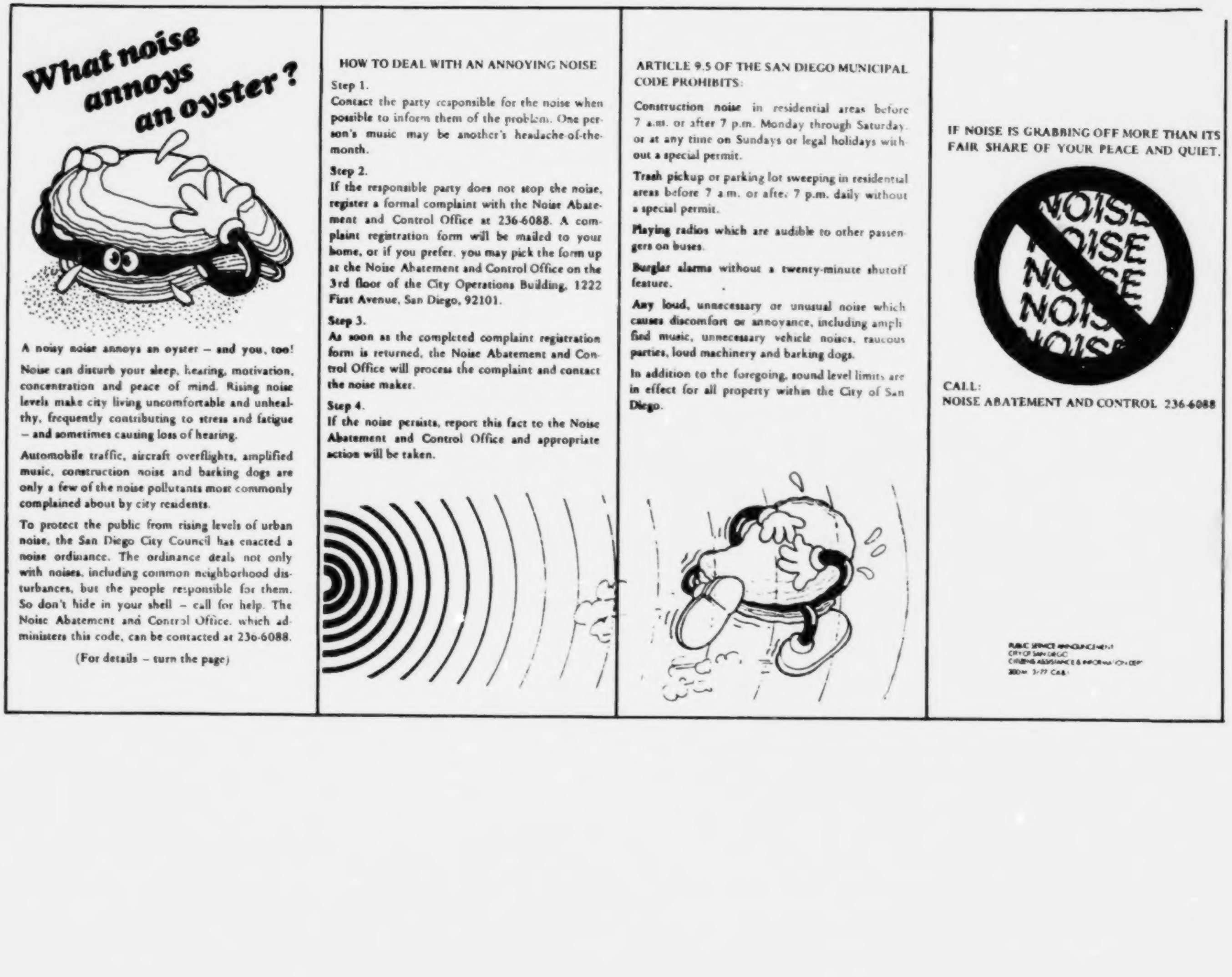
Through a campaign program to reiterate the importance of noise control, a pamphlet describing the effects of noise and the noise control program was developed. This pamphlet was inserted in water bills mailed to residents of San Diego. Approximately 220,000 pamphlet inserts have been distributed. A sample copy of this pamphlet is shown in Exhibit 5.

Door Hangers

Door hangers have been effectively used to obtain information on noise control. Whenever a complaint is followed up by a field investigation, the investigator polls the surrounding neighbors within a 200-300 foot radius. This is accomplished either by knocking on doors or by placing door hangers on knobs. A sample door hanger is shown in Exhibit 6. This technique has proved useful in obtaining public opinion on noise complaints. The technique aids the investigator in establishing some insight into justification of complaints, and it serves to advertise the program. Frequently, more noise complaints are generated by this public awareness idea. A secondary use of the door hanger is to alert residents about temporarily permitted noise sources to be expected in the area soon (variance), as shown in Exhibit 7. During the past 3 years, approximately 30,000 complaints were generated from the use of door hangers and a total of 90,000 households were alerted to noise issues.[43]

Exhibit 5

Water Utility Bill Insert



What noise annoys an oyster?

A noisy noise annoys an oyster — and you, too!

Noise can disturb your sleep, hearing, motivation, concentration and peace of mind. Rising noise levels make city living uncomfortable and unhealthy, frequently contributing to stress and fatigue — and sometimes causing loss of hearing.

Automobile traffic, aircraft overflights, amplified music, construction noise and barking dogs are only a few of the noise pollutants most commonly complained about by city residents.

To protect the public from rising levels of urban noise, the San Diego City Council has enacted a noise ordinance. The ordinance deals not only with noises, including common neighborhood disturbances, but the people responsible for them. So don't hide in your shell — call for help. The Noise Abatement and Control Office, which administers this code, can be contacted at 236-6088.

(For details — turn the page)

HOW TO DEAL WITH AN ANNOYING NOISE

Step 1.
Contact the party responsible for the noise when possible to inform them of the problem. One person's music may be another's headache-of-the-month.

Step 2.
If the responsible party does not stop the noise, register a formal complaint with the Noise Abatement and Control Office at 236-6088. A complaint registration form will be mailed to your home, or if you prefer, you may pick the form up at the Noise Abatement and Control Office on the 3rd floor of the City Operations Building, 1222 First Avenue, San Diego, 92101.

Step 3.
As soon as the completed complaint registration form is returned, the Noise Abatement and Control Office will process the complaint and contact the noise maker.

Step 4.
If the noise persists, report this fact to the Noise Abatement and Control Office and appropriate action will be taken.

ARTICLE 9.5 OF THE SAN DIEGO MUNICIPAL CODE PROHIBITS:

Construction noise in residential areas before 7 a.m. or after 7 p.m. Monday through Saturday, or at any time on Sundays or legal holidays without a special permit.

Trash pickup or parking lot sweeping in residential areas before 7 a.m. or after 7 p.m. daily without a special permit.

Playing radios which are audible to other passengers on buses.

Burglar alarms without a twenty-minute shutoff feature.

Any loud, unnecessary or unusual noise which **causes discomfort** or annoyance, including amplified music, unnecessary vehicle noises, raucous parties, loud machinery and barking dogs.

In addition to the foregoing, sound level limits are in effect for all property within the City of San Diego.

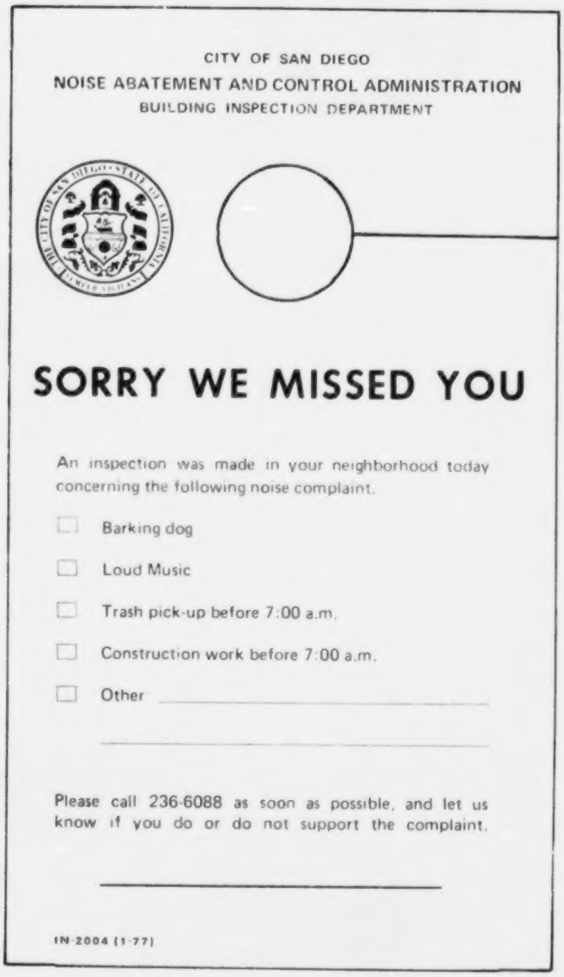
IF NOISE IS GRABBING OFF MORE THAN ITS FAIR SHARE OF YOUR PEACE AND QUIET,

CALL:
NOISE ABATEMENT AND CONTROL 236-6088

PUBLIC SERVICE ANNOUNCEMENT
CITY OF SAN DIEGO
CITIZENS ASSISTANCE & INFORMATION DEPT
300M 3/77 CA&I

Exhibit 6

Sample Door Hanger



CITY OF SAN DIEGO

NOISE ABATEMENT AND CONTROL ADMINISTRATION

BUILDING INSPECTION DEPARTMENT

SORRY WE MISSED YOU

An inspection was made in your neighborhood today concerning the following noise complaint.

☐ Barking dog

☐ Loud Music

☐ Trash pick-up before 7:00 a.m.

☐ Construction work before 7:00 a.m.

☐ Other ______________________

____

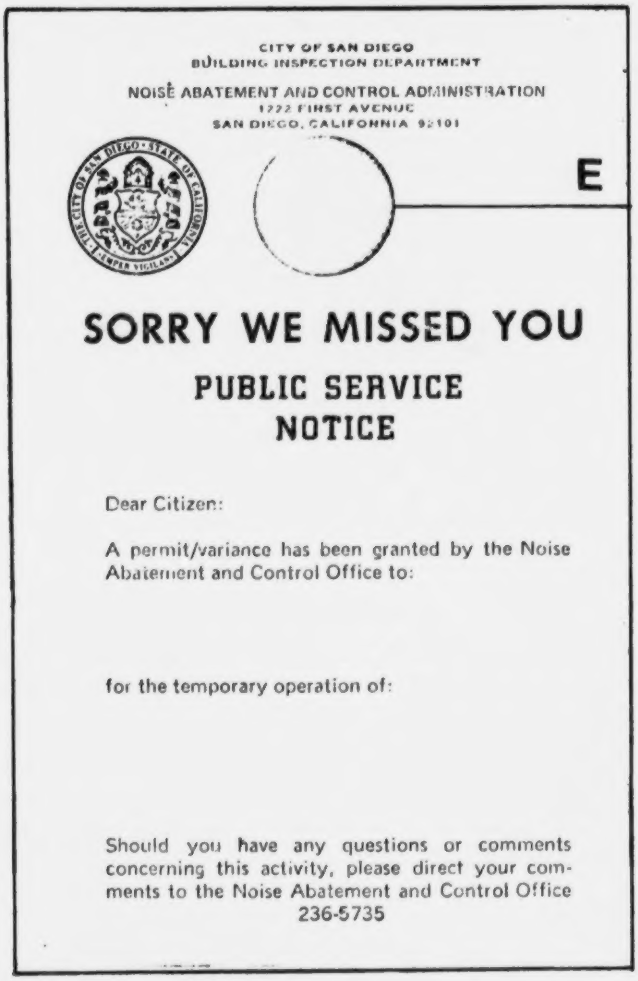
Please call 236-6088 as soon as possible, and let us know if you do or do not support the complaint.

____

IN-2004 (1-77)

Exhibit 7

Door Hanger for Variances



CITY OF SAN DIEGO
BUILDING INSPECTION DEPARTMENT

NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101

E

SORRY WE MISSED YOU

PUBLIC SERVICE NOTICE

Dear Citizen:

A permit/variance has been granted by the Noise Abatement and Control Office to:

for the temporary operation of:

Should you have any questions or comments concerning this activity, please direct your comments to the Noise Abatement and Control Office
236-5735

Public Notices

Public notices have a threefold purpose in the noise control program. Notices are issued to advise potentially noisy equipment installers of the noise abatement regulations, and, by means of a public notice, the public is notified and invited to attend noise regulation variance hearings and the Administrator's findings and disposition concerning variance applications are made public in this fashion. Exhibit 8 shows a typical public notice.

Homeowner Information

Aircraft noise is a major problem in San Diego. The city is making progress toward alleviating this problem, but the solution is long term in nature. Measures being developed to protect the residents include rezoning or restructuring land uses near major aircraft sites and strict enforcement of building codes. A short-range solution or service provided by the office has been to provide new homeowners with information on attitudes toward existing aircraft noise from residents living within 2,000 feet of the site in question. A sample letter used to obtain this information is presented in Exhibit 9.

Qualified Acousticians

In enforcing the noise control ordinance, the Administrator requires certain violators or potential violators to provide acoustical analysis of certain projects the office reviews. To provide assistance to persons required to have this task completed, the office has developed a list of qualified acoustical consultants. The office reviewed qualifications and backgrounds of prospective acoustical firms and individuals to produce the list. The list is readily available to anyone, free of charge.

Research and Development Results

To assist persons in obtaining compliance with the ordinance, the Noise Office conducts research and development projects. Initially, when the program was getting underway, a large portion of complaints received were related to barking dogs (60 to 80 percent). The office began researching the problem and developed some ideas for resolving the barking dog problem. Exhibit 10 is a letter describing one such idea. This type of research and development is carried out in other phases of the noise control program and is made available for public use.

Exhibit 8

Notice of Public Hearing

NOTICE OF PUBLIC HEARING

THIS HEARING WILL BE HELD AT

SANTA CLARA RECREATION CENTER

1008 SANTA CLARA PLACE
SAN DIEGO, CA. 92109

DATE: March 19, 1977 TIME: 8 p.m.

TO CONSIDER THE MATTER OF:

A permit for sewer pipe replacement and excavation along Bayside Walk Alley during the hours of 7 p.m. to 7 a.m. every day.

Construction noise is prohibited in residential areas during the times proposed without a permit pursuant to the San Diego Noise Abatement and Control Ordinance (M. C. Section 59.5.0404).

The applicant is:

Metro Young Construction Co. (subcontractor for the City of San Diego)
2141 Main Street
San Diego, CA. 92113

All members of the public are invited to attend. If you would like to comment, but will not be able to attend, please mail written comments to:

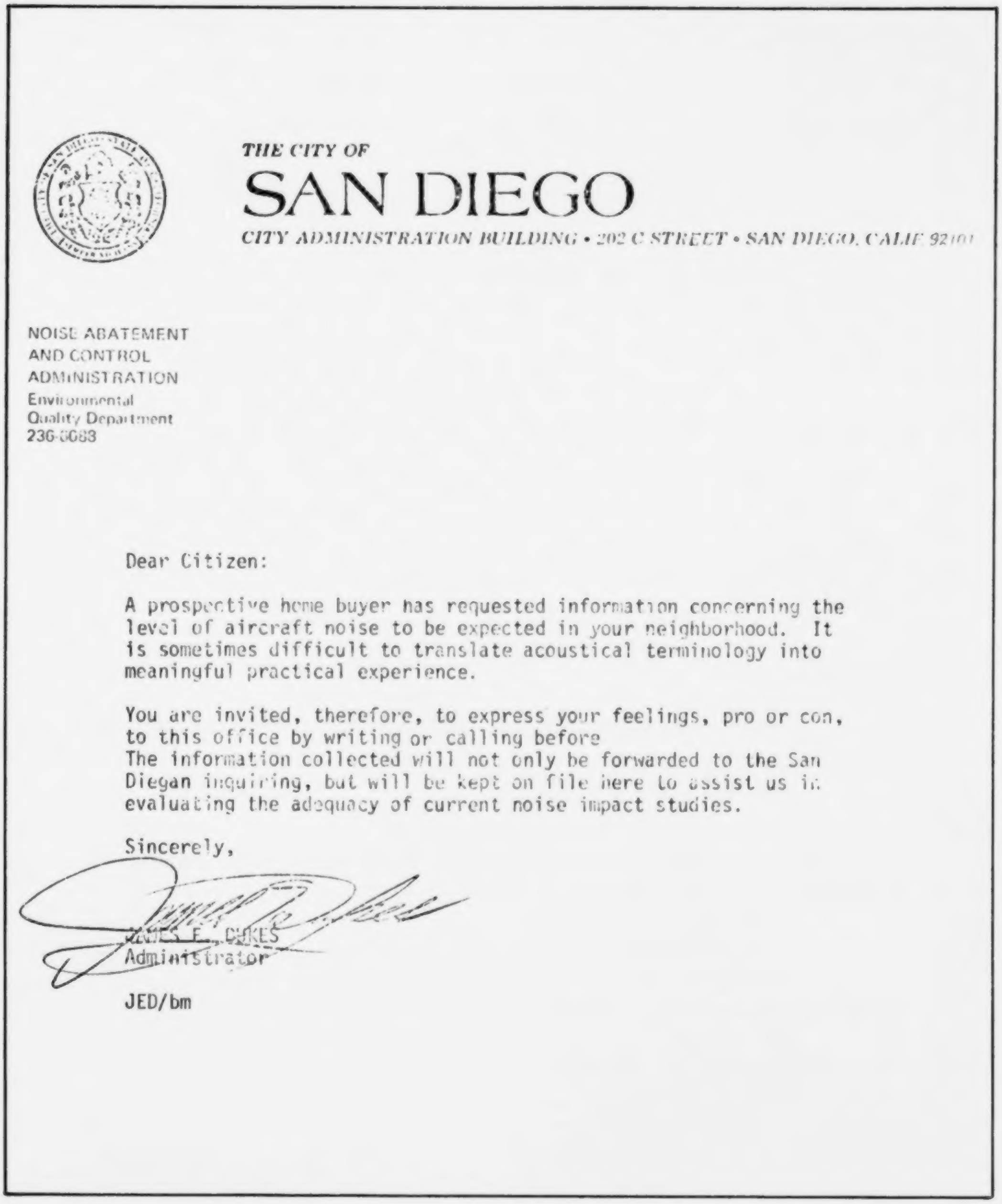
Noise Abatement and Control
1222 First Avenue
San Diego, CA. 92101

postmarked no later than 12 midnight, March 17, 1977.

For further information, call 236-6088.

Exhibit 9

Request for Homeowners Information



THE CITY OF
SAN DIEGO
CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF 92101

NOISE ABATEMENT
AND CONTROL
ADMINISTRATION
Environmental
Quality Department
236-6083

Dear Citizen:

A prospective home buyer has requested information concerning the level of aircraft noise to be expected in your neighborhood. It is sometimes difficult to translate acoustical terminology into meaningful practical experience.

You are invited, therefore, to express your feelings, pro or con, to this office by writing or calling before
The information collected will not only be forwarded to the San Diegan inquiring, but will be kept on file here to assist us in evaluating the adequacy of current noise impact studies.

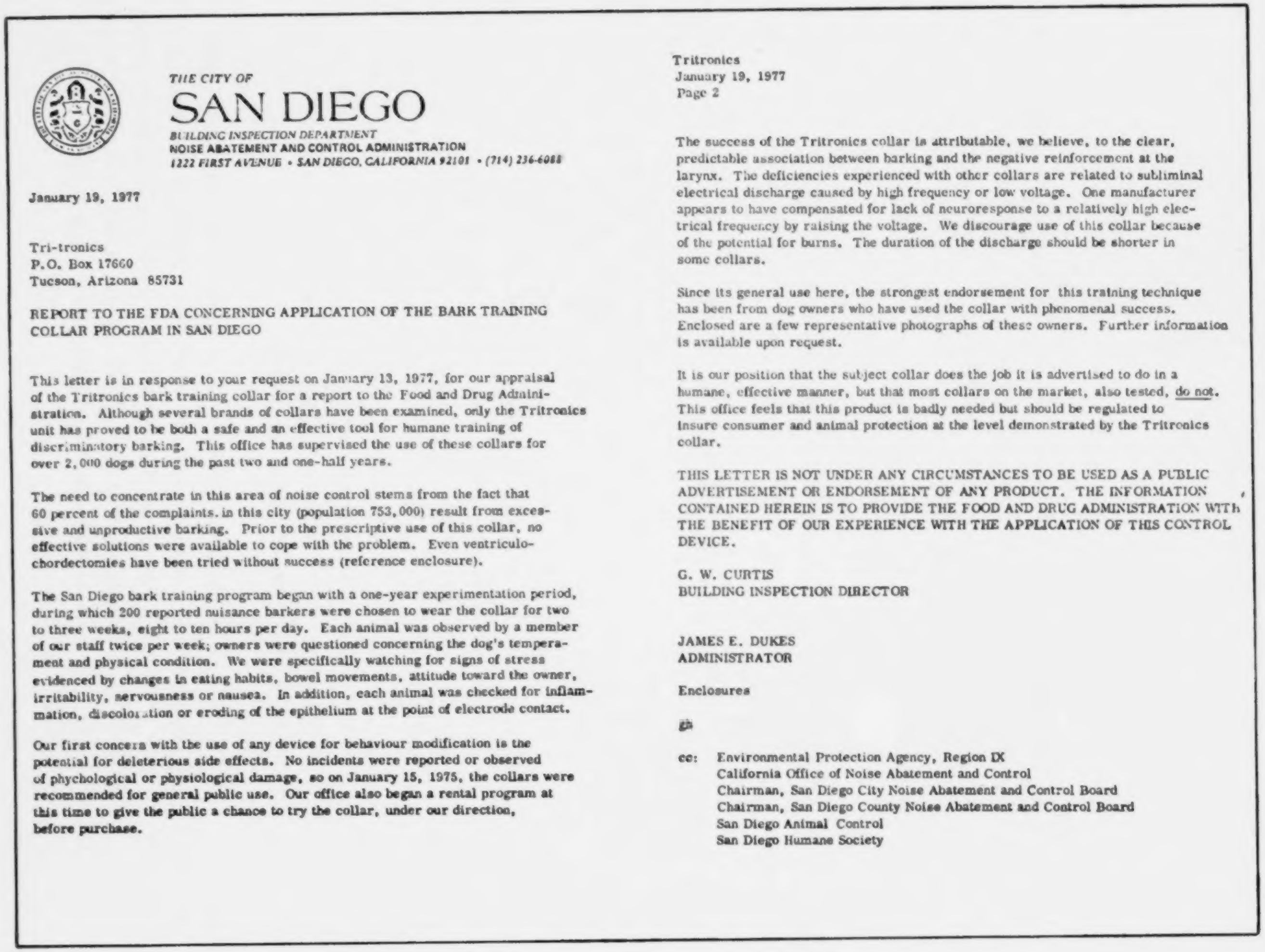
Sincerely,

JAMES E. DUKES
Administrator

JED/bm

Exhibit 10

Example of Research and Development Results on Barking Dog Problem



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

January 19, 1977

Tri-tronics
P.O. Box 17660
Tucson, Arizona 85731

REPORT TO THE FDA CONCERNING APPLICATION OF THE BARK TRAINING COLLAR PROGRAM IN SAN DIEGO

This letter is in response to your request on January 13, 1977, for our appraisal of the Tritronics bark training collar for a report to the Food and Drug Administration. Although several brands of collars have been examined, only the Tritronics unit has proved to be both a safe and an effective tool for humane training of discriminatory barking. This office has supervised the use of these collars for over 2,000 dogs during the past two and one-half years.

The need to concentrate in this area of noise control stems from the fact that 60 percent of the complaints in this city (population 753,000) result from excessive and unproductive barking. Prior to the prescriptive use of this collar, no effective solutions were available to cope with the problem. Even ventriculochordectomies have been tried without success (reference enclosure).

The San Diego bark training program began with a one-year experimentation period, during which 200 reported nuisance barkers were chosen to wear the collar for two to three weeks, eight to ten hours per day. Each animal was observed by a member of our staff twice per week; owners were questioned concerning the dog's temperament and physical condition. We were specifically watching for signs of stress evidenced by changes in eating habits, bowel movements, attitude toward the owner, irritability, nervousness or nausea. In addition, each animal was checked for inflammation, discoloration or eroding of the epithelium at the point of electrode contact.

Our first concern with the use of any device for behaviour modification is the potential for deleterious side effects. No incidents were reported or observed of phychological or physiological damage, so on January 15, 1975, the collars were recommended for general public use. Our office also began a rental program at this time to give the public a chance to try the collar, under our direction, before purchase.

The success of the Tritronics collar is attributable, we believe, to the clear, predictable association between barking and the negative reinforcement at the larynx. The deficiencies experienced with other collars are related to subliminal electrical discharge caused by high frequency or low voltage. One manufacturer appears to have compensated for lack of neuroresponse to a relatively high electrical frequency by raising the voltage. We discourage use of this collar because of the potential for burns. The duration of the discharge should be shorter in some collars.

Since its general use here, the strongest endorsement for this training technique has been from dog owners who have used the collar with phenomenal success. Enclosed are a few representative photographs of these owners. Further information is available upon request.

It is our position that the subject collar does the job it is advertised to do in a humane, effective manner, but that most collars on the market, also tested, do not. This office feels that this product is badly needed but should be regulated to insure consumer and animal protection at the level demonstrated by the Tritronics collar.

THIS LETTER IS NOT UNDER ANY CIRCUMSTANCES TO BE USED AS A PUBLIC ADVERTISEMENT OR ENDORSEMENT OF ANY PRODUCT. THE INFORMATION CONTAINED HEREIN IS TO PROVIDE THE FOOD AND DRUG ADMINISTRATION WITH THE BENEFIT OF OUR EXPERIENCE WITH THE APPLICATION OF THIS CONTROL DEVICE.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

Enclosures

[illegible]

cc: Environmental Protection Agency, Region IX
California Office of Noise Abatement and Control
Chairman, San Diego City Noise Abatement and Control Board
Chairman, San Diego County Noise Abatement and Control Board
San Diego Animal Control
San Diego Humane Society

San Diego Noise Abatement and Control Ordinance

The San Diego Office of Noise Abatement and Control is involved in areas of noise control that were not envisioned during the development of the initial code. As the Office of Noise Abatement and Control gained momentum, it noticed that certain areas in the code required more clarity and more active involvement by the office. As a result, the office began enforcing State noise control laws and initiated procedures for revising its ordinance in November 1976. Revising the noise control ordinance and initiating the enforcement of State noise control laws were the result of increasing competence in the area of noise control and abatement through daily work experiences.

Revisions to the ordinance were aimed at controlling ambient noise at its present level and possibly decreasing this ambient level. The new ordinance created and established a more effective tool in noise level measurements and noise control. In the area of public nuisance noise, prima facie sections were added to permit enforceability of nuisance laws.

As was previously discussed, the city of San Diego did not originally produce a stringent, quantitative, punitive ordinance. Rather, the city initiated a semiquantitative, compliance-oriented program that permitted establishment of competence and accountability in the area of noise control. As the city's Office of Noise Abatement and Control acquired and established more competence, knowledge, and accountability in the area of noise control, it was able to successfully institute additional refined quantitative and more punitive standards to the ordinance. The enforceability of the code is enhanced by its quantitative standards.

Municipal Noise Ordinance[44]

The code is actually a community noise equivalent level measurement in disguise. Nighttime limits are 10 decibels lower than daytime measurements; evening limits are 5 decibels lower than daytime limits. Property line measurements were originally developed according to California League of Cities standards. The March 1977 code revision reflects San Diego's experiences over a 2 1/2-year period.

The Noise Abatement and Control Ordinance is contained in Article 9.5 of the San Diego Municipal Code. An explanation of this code section is presented below.

Division 1. General

Section 59.5.0101 establishes the intent and purpose of the noise control ordinance. The making and creating of inadequately controlled noise present a hazard to the health and welfare of the residents of San Diego. The ordinance was enacted to secure and promote public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet for the city and its residents.

Section 59.5.0102 presents the definitions of words and phrases used throughout the ordinance. The meanings of the words and phrases presented in the ordinance are as follows:

- Average Sound Level - a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels. Average sound level is also called equivalent continuous sound level.
- Community Noise Equivalent Level - an average sound level during a 24-hour day, obtained after addition of 5 decibels to sound levels in the evening from 7 to 10 p.m., and after addition of 10 decibels to sound levels in the evening from 7 to 10 p.m., and after addition of 10 decibels to sound levels in the night after 10 p.m. and before 7 a.m.
- Construction Equipment - any tools, machinery, or equipment used in connection with construction operations, including all types of special construction equipment as defined in the pertinent sections of the California Vehicle Code, when used in the construction process on any construction site, regardless of whether such construction site is located on or off the highways.
- Decibel (dB) - a unit measure of sound (noise) level.
- Emergency Work - work made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities to restore utility service.
- Motor Vehicles - any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including but not limited to minibikes and go-carts.
- Noise Level - the same as sound level. The terms may be used interchangeably.
- Person - a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private.

- Sound Level - in decibels, that quantity measured with a sound level meter as defined herein, by use of A-frequency weighting and fast time averaging, unless some other time averaging is specified.
- Sound Level Meter - an instrument for measuring sound, including a microphone, an amplifier, an attenuator, networks at least for the standardized frequency weighting A, and an indicating instrument having at least the standardized dynamic characteristic "fast," as specified in American National Standard specifications for sound level meters S1.4-1971 or its successor.
- Sound Amplifying Equipment - equipment as specified in Section 33.0003b of the San Diego Municipal Code.
- Disturbing, Excessive, or Offensive Noise - any sound or noise conflicting with the criteria or levels set forth in this article.
- Supplementary Definitions of Technical Terms - definitions of technical terms not defined herein shall be obtained from American National Standard acoustical terminology, S1.1-1960 (R-1976).

Division 2. Administration

Section 59.5.0201 establishes the function of Noise Abatement and Control Administration within the Building Inspection Department of the city. This function is to be administered by the noise abatement officer (Administrator).

Section 59.5.0202 creates the duties and responsibilities of the Administrator. The Administrator is responsible for regulating and controlling the emission of excessive and offensive noise within the city. The Administrator has the authority to coordinate the activities of all city departments involved in activities that may relate to the control and abatement of noise. However, the Administrator's primary responsibilities are:

- To perform investigations, inspections, and studies that are necessary for the purpose of enforcing the noise control ordinance,
- To institute necessary proceedings to prosecute violations of the noise control ordinance in order to abate and control noise,
- The grant variances as provided in the noise control ordinance and to hold hearing concerning the issuance of a variance and to impose conditions he feels are necessary to ensure the public health and welfare as provided by the ordinance, and
- To execute other necessary actions for the successful administration of the purpose and intent of the noise control ordinance.

The Administrator may delegate any of the duties vested in the administration of his office. Specific recommendations for changes to existing legislation or for new legislation may be presented to the Board for Abatement and Control of Noise for review and comment by the Administrator.

Section 59.5.0203 describes the requirements and conditions for evaluating variance applications. A fee is charged to each applicant for processing variances, and a report of variances is prepared monthly and is available to the public.

Each variance presents in detail the methodology to be used for achieving compliance, accompanied with a schedule. A variance, in other words, is a permit for violators of the code to continue their normal operations while taking the necessary steps to achieve compliance within a prescribed time frame and through methods approved by the Administrator. However, if the Administrator feels that a reasonable time for compliance cannot be determined, a permit may be issued for a period not to exceed 3 years. In determining the terms and conditions of a permit, the Administrator considers the following factors:

- Magnitude of noise emitted
- Land use or property uses of the impacted area
- Operations carried on under existing nonconforming rights or conditional-use permit or zone variances
- Time factors related to study, design, financing, and achievement of the compliance
- Economic factors related to age and useful life of equipment
- General public interest and welfare

Section 59.5.0204 discusses the appeal process. Anyone directly affected by a noise and who is dissatisfied by an approval or disapproval of a variance may appeal the Administrator's decision in writing to the Board for Abatement and Control of Noise. The board meets as soon as possible to consider appeals of denial. All other appeals are scheduled for the board's regular course of business.

Section 59.50205 explains the inspection rights of the Administrator. The Administrator is empowered to inspect at a reasonable time and in a reasonable manner any device that is intended to or that produces sound and that creates or may create noise, including the premises where the device is in operation. If for any reason the Administrator is denied entry, he may obtain an inspection warrant from an appropriate court.

Section 59.5.0206 establishes the San Diego City Noise Map as the official record of noise levels, and establishes the Administrator's responsibility for maintaining this record. The map is used in determining the community noise equivalent levels (CNEL). The noise map is revised and updated annually. Requests may be made to the Administrator, by any person, to accept, for a location within the city, a CNEL where none is shown at the specific location on the official noise map or where there is a conflict, provided that:

- A continuous measurement of noise is made at the location for at least 2 weeks
- Appropriate information is obtained concerning the noise-making activity in the area during the test period and during the previous year
- The survey and estimate of CNEL are made by a qualified acoustical engineer at the expense of the applicant.

Section 59.5.0207 creates and establishes the Board for Abatement and Control of Noise. The members of the board are appointed by the Mayor with Council confirmation for a 2-year term and serve without compensation. The Mayor is empowered to designate a chairman; however, in the absence of such designation, the board may select its chairman. The board consists of a chairman plus 10 additional members with the following qualifications:

- One member qualified by training and experience in the field of acoustics,
- One member qualified by training, experience, and registration in the field of mechanical engineering,
- One member qualified by training, experience, and licensing in the field of architecture,
- One qualified physician by training, experience, and licensing in the field of physiological effects of noise,
- One qualified audiologist by training, experience, and licensing,
- One electronics engineer,
- One economist, and
- Three general members of the public.

The board is empowered to establish its own rules and procedures for conducting business and meets once a month or as needed to transact its business. Six members are needed to have a quorum, and five affirmative votes are necessary for board actions. The board is primarily charged with the responsibility of hearing appeals from rulings of the Noise Abatement and Control Administrator. However, the decision of the Administrator to refer a case to the city attorney for a criminal action is not appealable.

Division 3. Noise Abatement and Control Compliance

Section 59.5.0301 states that the city will not award or enter into a contract involving equipment, services, labor, or any combination that cause a violation of the code. The Administrator is responsible for recommending or advising the appropriate city departments of specifications for the operation or construction of devices and activities as related to city contracts.

Division 4. Limits

Section 59.5.0401 presents the allowable noise limits for locations within the city or beyond boundaries of property lines on which the noise is produced. Those limits are given in Exhibit 11.

Exhibit 11

Applicable Limits

Land Use Zone	Time of Day	One-Hour Average Sound Level (dB)
Residential, all R-1	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 5 a.m.	40
All R-2	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
R-3, R-4, and all other residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
All commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
Manufacturing, all other industrial, including agricultural and extractive industry.	any time	75

The sound level limit on a boundary between two zoning districts is determined by using the arithmetic mean of the limits for the respective districts. A public utility transmission facility located on or adjacent to a property line is subject to the above limits measured at or beyond 6 feet from the boundary of the easement.

Section 59.5.0402 addresses limits placed on off-highway motor vehicles. It is illegal to operate any motor vehicle of any type on any site other than a public street or highway as defined in the California Vehicle Code. In addition, it is unlawful to exceed the noise limits permitted for on-highway motor vehicles as specified in the table for speed limits of 45 mph or less contained in Section 23130 of the California Vehicle Code and as corrected for prescribed distances given in Exhibit 12.

The use of authorized emergency vehicles in emergency situations is excluded from this section.

Section 59.5.0403 concerns the operation of watercraft in waters under the jurisdiction of the city. Watercraft operating within the city's jurisdiction are limited to the provisions of the California Harbors and Navigation Code. Vessels are limited to a noise level of 84 decibels at a distance of 50 feet. Permits issued by the city to watercraft that are not in compliance with the code are subject to review and approval by the Administrator.

Section 59.5.0404 establishes the code's provisions concerning construction noise. Construction noise is prohibited between the hours of 7 p.m. to 7 a.m. or on legal holidays (with the exception of Columbus Day and George

Exhibit 12

Decibel Correction Figures

Distances (feet)	Correction (dB)
25	-6
28	-5
32	-4
35	-3
40	-2
45	-1
50 (preferred distance)	0
56	+1
63	+2
70	+3
80	+4
90	+5
100	+6

Washington's Birthday), and on Sundays. The provisions of this section exempt emergency work, provided the Administrator is notified. In granting a permit or variance related to this section, the Administrator is required to consider whether the construction noise in the vicinity of the proposed worksite would be less objectionable at night than during the daytime because of population densities or neighboring activities; whether obstruction and interference with traffic, particularly on streets of major importance would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as not to cause significant disturbances in the vicinity of the worksite; the character and nature of the neighborhood of the proposed worksite; whether great economic hardship would occur if the work were spread over a longer time; and whether proposed night work is in the general public interest. He prescribes such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems necessary in the public interest.

Section 59.5.0405 prohibits any construction activity causing an average sound level greater than 75 decibels during the 12-hour period (7 a.m. to 7 p.m.) at or within property lines of areas zoned residential. The only exception to the prohibition is for emergency work, provided the Administrator is notified 48 hours after the initiation of such work.

Section 59.5.0406 prohibits the operation of a refuse compacting, processing, or collection vehicle or parking lot sweeper between the hours of 7 p.m. to 7 a.m. in any residential area unless a permit has been applied for and granted by the Administrator.

Division 5. Public Nuisance Noise

Section 59.5.0501 presents the general prohibitions of public nuisance noise. This section prohibits anyone from making noise that causes discomfort or annoyance to any reasonable person of normal sensitivity. The following criteria are considered in determining violations of this section:

- The level of the noise,
- Whether the nature of the noise is usual or unusual,
- Whether the origin of the noise is natural or unnatural,
- The level of the background noise,
- The proximity of the noise to sleeping facilities,
- The nature of zoning of the area from which the noise emanates,
- The time of day or night the noise occurs,
- The duration of the noise, and
- Whether the noise is recurrent, intermittent, or constant.

Although the language and acts prohibited within Division 5 are subjective, a prima facie section was added to place more enforceability in the code.

Section 59.5.0502 describes the prohibited acts contained in Division 5 of the ordinance. The unnecessary use of horns or signaling devices on vehicles is prohibited. The use of sound production or reproduction devices (e.g., musical instruments, televisions, phonographs, and sound amplifiers) that disturb any reasonable person of normal sensitivity is unlawful. However, participants of an authorized licensed parade or any person who is authorized by the city to engage in such conduct is exempt. The operation of any such sound producing or reproducing equipment between the hours of 10 p.m. and 8 a.m. that is plainly audible at a distance of 50 feet from its location is prima facie evidence for a violation of this section. Loud yelling, shouting, and the like on public streets between 10 p.m. and 8 a.m. or at any time or place are prohibited.

The frequent or long-continued noise caused by an animal maintained by any person, which disturbs a reasonable person of normal sensitivity, is prohibited. The noise of any such animal that disturbs two or more residents who reside in separate residences and who agree to times and duration of the noise is prima facie evidence for a violation.

The creation of any noise in or adjacent to any school, institution of learning, church, court, library, rest home, or long-term medical or mental care facility is prohibited, provided signs are displayed to denote these areas.

The creation of noise by screeching tires, racing or accelerating the engine of any motor vehicle, or deliberate backfiring of an engine is unlawful. In addition, the operation of radios, phonographs, or tape players on urban transit buses that is audible to anyone in the bus is prohibited.

Section 59.5.0503 addresses the issue of noise produced by burglar alarms. No burglar alarm may be used that is not capable of terminating within 20 minutes after being activated. The Police Department is empowered to take the necessary steps to disconnect burglar alarms after activation. Any place where an alarm has been installed must display the telephone number where the owner may be contacted.

Division 6. Violations and Enforcement

Section 59.5.0601 states that any violation of the ordinance is deemed a misdemeanor, and, if an offender is found guilty, a fine in an amount not to exceed $500 may be assessed or a term of imprisonment not to exceed 6 months may be imposed, or both. Each day a violation is permitted to continue constitutes a separate offense and is punishable as such.

Section 59.5.0602 allows for additional punitive measures to be taken against violators. Any operation of an activity or device that causes discomfort to reasonable persons of normal sensitivity may be subject to abatement by a restraining order or an injunction.

Section 59.5.0604 provides for the prosecution of violations under the code in the same manner as other misdemeanor violations are enforced. However, the Administrator is empowered to obtain voluntary compliance by means of warnings, notices, and education.

Section 59.5.0605 states that permits or other notices required by the code must be displayed or maintained on the premises designated.

Section 59.5.0606 prohibits knowingly making false and misleading statements or unlawful reproduction or alteration of documents issued by the Administrator or required by the code.

Section 59.5.0607 concludes the ordinance by stating that, if any portions of the code are held invalid, the invalidity does not affect other portions of the code that can be effected without the invalid portions.

Future Plans and Improvements

The San Diego Noise Abatement and Control Ordinance has undergone one revision since its enactment and will undergo another amendment in the early part of 1978. These revisions or refinements of the ordinance are a result of inadequate provisions of the code, that were recognized through daily practical application and as a result of changes required to accommodate a complex and ever-changing environment. The currently anticipated amendments or changes to the code are discussed on the following page.

All subjective clauses, phrases, sentences, and references in the code will be removed. There is a greater need to increase the dependence on quantitative standards and evidence that can be used in court.

It is proposed that all noise equipment be time-integrating equipment or possess the capability.

It has also been recommended that existing construction equipment noise emission standards be replaced by a regulation that regards general construction activity as a distinct land use. The amendment sets noise limits for construction comparable to the limits for extractive and industrial land use. This amendment would change the city's position from one of limiting the local use of certain types of construction equipment to that of regulating the average noise levels to which the public is exposed, irrespective of the number or types of sources. The idea behind this proposal is for the Noise Office to refrain from administering source regulations. This proposed amendment would offer greater freedom to the construction operator to use in-stock, competitively priced equipment, provided that the 1-hour average sound level between the hours of 7 a.m. - 7 p.m. on residential property is not exceeded during any workday. This limit would apply only to residential areas instead of to all land-use zones.

Enforcement

The San Diego Noise Abatement and Control Ordinance was developed to give citizens a central place to complain about noise. Prior to the ordinance, no central place existed for citizens in the need of help. The Police Department, councilmen, and other city agencies received sporadic complaints, but were unequipped to handle the situation. Therefore, the San Diego Office of Noise Abatement and Control was established to centralize citizen complaints, educate the general public, and, most important of all, enforce the noise control ordinance.

The noise ordinance is primarily structured to operate through complaints rather than through monitoring. However, monitoring becomes a part of the enforcement procedures after a violation is identified through the complaint procedure. Most people perceive noise as a pollutant that they must endure because of progress. For the most part, people do not know what to do about an annoying noise. This situation existed in San Diego, and citizens had to be educated concerning noise and noise control before enforcement of the ordinance could be accomplished.

Complaints are not the only basis for enforcement of the noise control ordinance. Through coordination and cooperation with other city agencies (e.g., Zoning Administration, Environmental and Planning Department, and Building Inspections Department) involved in activities that relate to noise abatement and control, the Noise Office is able to enforce the ordinance.

Enforcement Guidelines/Philosophy

The enforcement of San Diego's Noise Control Ordinance is structured around voluntary compliance and public awareness. Enforcement through punishment or suppression is viewed as a short-range solution to problems. Stimulating public awareness is a process utilized to obtain feedback and to institute changes in the public attitude toward noise. The establishment of voluntary compliance through public awareness is considered a key element in obtaining noise abatement and control as a long-range goal.

Enforcement of the noise control program is administered through a philosophy of researching identified problems and developing appropriate solutions. The major theme of the program is compliance. The Administrator believes that punitive enforcement is not the key to controlling or alleviating noise problems, and punitive enforcement and court cases are expensive. The achievement of compliance is considered a less expensive method of controlling noise, and the compliance rationale is usually accepted by violators. The Administrator rarely goes to court to prosecute violators, because compliance is usually accomplished. Therefore, the success of the program is measured by compliance or, in other words, by the number of cases that do not go to court.

To obtain compliance, the Administrator assumes the problem and works with the offender to develop a viable solution rather than initially imposing a penalty. If the offender continues to violate the ordinance or disregard the compliance proceedings, then more punitive action is taken under the criminal statutes. The office has a rather impressive record in court relating to convictions and has established credibility in the court system. With this in mind, most offenders usually adhere to the compliance procedures.

The office is active with other city agencies involved in noise control activities. The Administrator aids and supports other city agencies in this area. The philosophy exhibited in this area of enforcement is not to assume an agency's jurisdiction. The office's position is to provide technical assistance and support when it is required, as explained earlier in Chapter 4.

Enforcement Procedure

Enforcement of the noise abatement program is instituted through two means: the receipt of complaints from residents and through the coordination and review of noise related activities of other city departments.

Complaint Procedure

The steps involved in the complaint procedure developed by the office are outlined below. The initial procedures are structured to obtain compliance. However, stringent measures are imposed if compliance is not obtained. (See flow chart in Exhibit 13a.)

Complaint Registered. All complaints must be registered with the office. Formal complaint registration forms are available from the Noise Control Office. A sample copy is contained in Exhibit 13b.

Offender's Initial Warning. After the complaint has been registered with the office, a file is set up. The offender is notified of the complaint and instructed to take appropriate corrective action or to call the office for assistance. The offender is instructed that further action will be taken if the situation is not corrected within a reasonable time period or if another complaint is filed. Samples of this type of correspondence are contained in Exhibit 14a. The offender is made aware of the acoustical engineering firms available if he needs professional assistance. In addition, offenders are informed of the availability of noise variance permits for which they may

Exhibit 13a

City of San Diego Noise Complaint Procedure Flow Chart

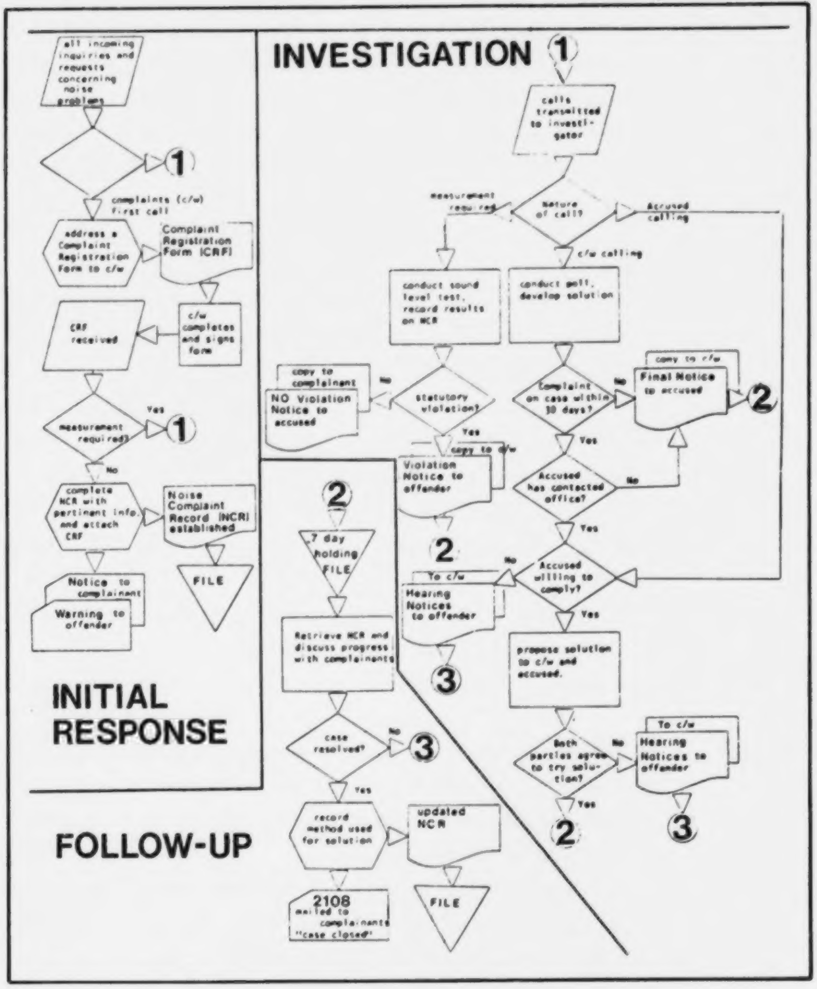

INVESTIGATION
1
all incoming inquiries and requests concerning noise problems
1
complaints (c/w) first call
address a Complaint Registration Form to c/w
Complaint Registration Form (CRF)
c/w completes and signs form
CRF received
measurement required?
Yes
1
No
complete NCR with pertinent info. and attach CRF
Noise Complaint Record (NCR) established
Notice to complainant
Warning to offender
FILE
INITIAL RESPONSE
calls transmitted to investigator
measurement required
Nature of call?
Accused calling
c/w calling
conduct sound level test, record results on NCR
conduct poll, develop solution
copy to complainant
NO Violation Notice to accused
No
statutory violation?
Yes
copy to c/w
Violation Notice to offender
2
Complaint on case within 30 days?
No
copy to c/w
Final Notice to accused
2
Yes
Accused has contacted office?
No
Yes
No
Accused willing to comply?
To c/w
Hearing Notices to offender
3
Yes
propose solution to c/w and accused.
Both parties agree to try solution?
No
To c/w
Hearing Notices to offender
3
Yes
2
2
7 day holding FILE
Retrieve NCR and discuss progress with complainants
case resolved?
No
3
Yes
record method used for solution
updated NCR
FILE
2108 mailed to complainants "case closed"
FOLLOW-UP

Exhibit 13a (continued)

City of San Diego Noise Complaint Procedure Flow Chart

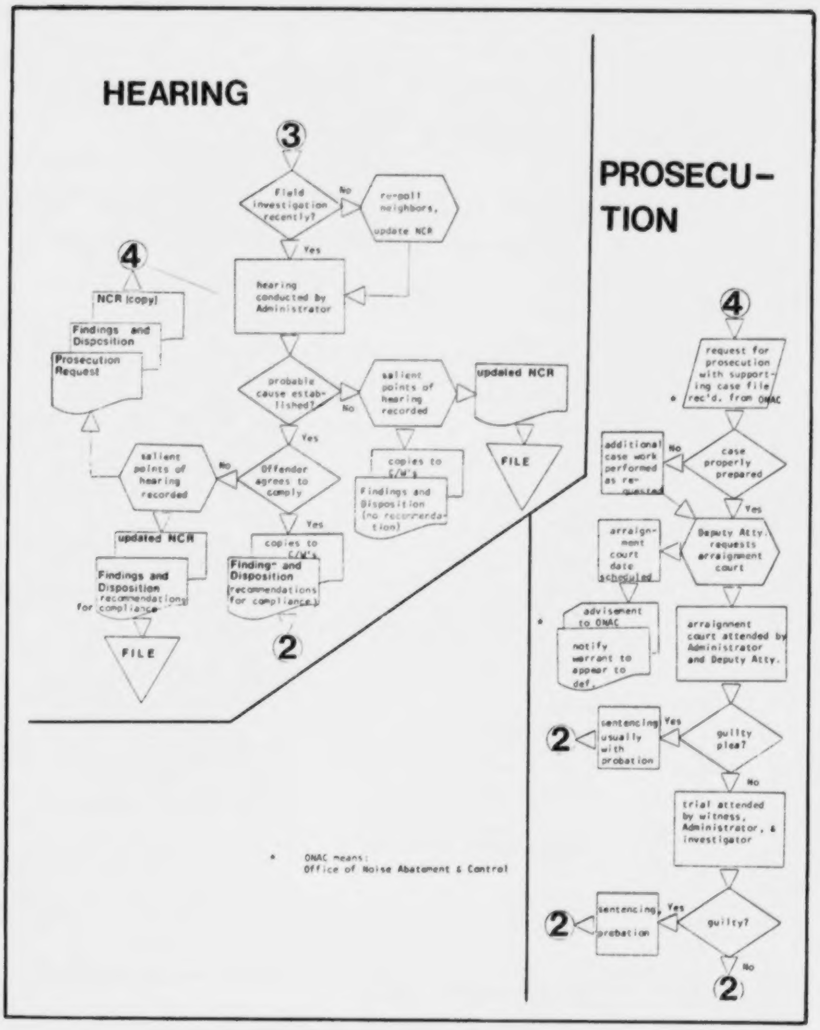
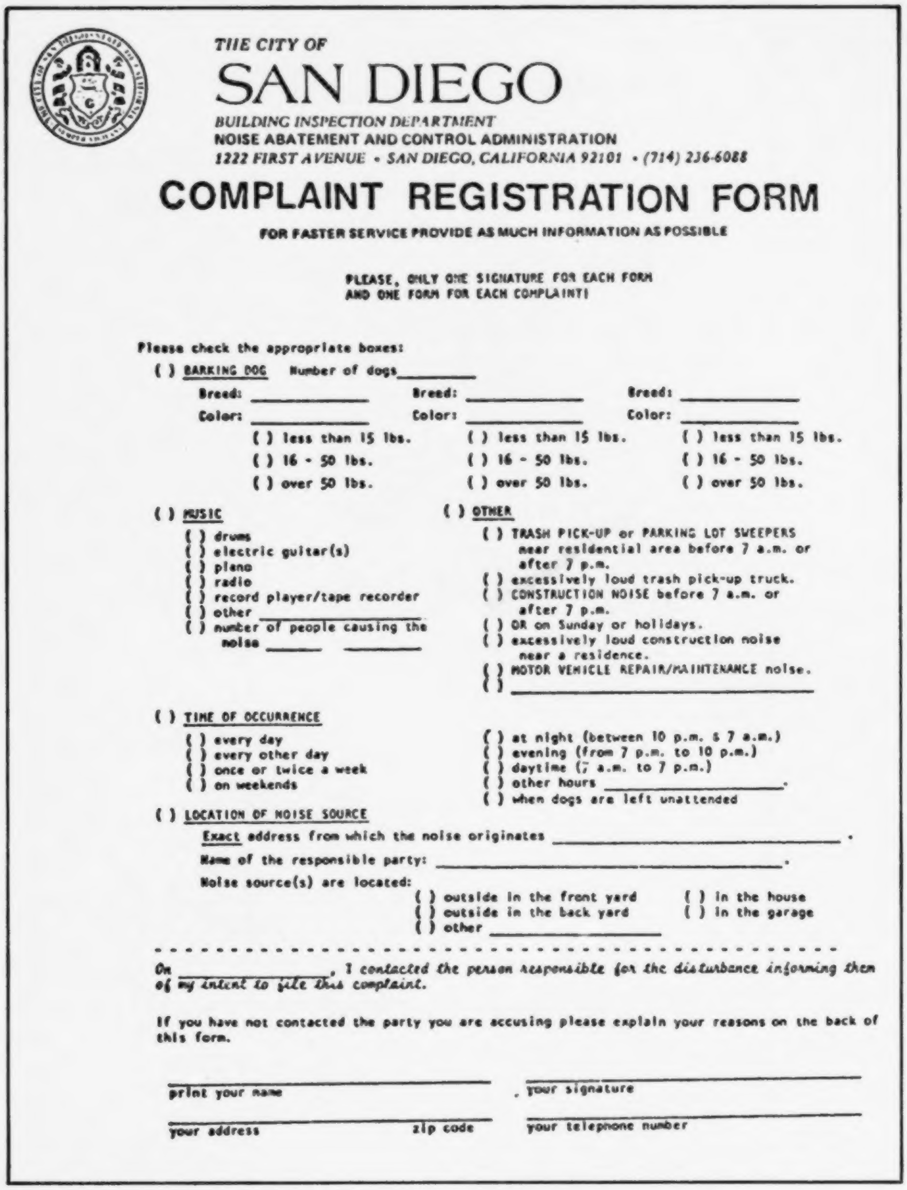

HEARING
3
Field investigation recently?
No
re-poll neighbors, update NCR
Yes
hearing conducted by Administrator
4
NCR (copy)
Findings and Disposition
Prosecution Request
probable cause established?
No
salient points of hearing recorded
updated NCR
FILE
copies to C/W's
Findings and Disposition (no recommendation)
Yes
Offender agrees to comply
No
salient points of hearing recorded
updated NCR
Findings and Disposition recommendations for compliance
FILE
Yes
copies to C/W's
Findings and Disposition (recommendations for compliance)
2
PROSECUTION
4
request for prosecution with supporting case file rec'd. from ONAC
*
case properly prepared
No
additional case work performed as requested
Yes
Deputy Atty. requests arraignment court
arraignment court date scheduled
advisement to ONAC
*
notify warrant to appear to def.
arraignment court attended by Administrator and Deputy Atty.
guilty plea?
Yes
sentencing usually with probation
2
No
trial attended by witness, Administrator, & investigator
guilty?
Yes
sentencing, probation
2
No
2
* ONAC means: Office of Noise Abatement & Control

Exhibit 13b

Noise Complaint Registration Form



THE CITY OF

SAN DIEGO

BUILDING INSPECTION DEPARTMENT

NOISE ABATEMENT AND CONTROL ADMINISTRATION

1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

COMPLAINT REGISTRATION FORM

FOR FASTER SERVICE PROVIDE AS MUCH INFORMATION AS POSSIBLE

PLEASE, ONLY ONE SIGNATURE FOR EACH FORM
AND ONE FORM FOR EACH COMPLAINT!

Please check the appropriate boxes:

( ) **BARKING DOG** **Number of dogs**______

Breed: ______	**Breed:** ______	**Breed:** ______
Color: ______	**Color:** ______	**Color:** ______
( ) less than 15 lbs.	( ) less than 15 lbs.	( ) less than 15 lbs.
( ) 16 - 50 lbs.	( ) 16 - 50 lbs.	( ) 16 - 50 lbs.
( ) over 50 lbs.	( ) over 50 lbs.	( ) over 50 lbs.

( ) **MUSIC**
  ( ) drums
  ( ) electric guitar(s)
  ( ) piano
  ( ) radio
  ( ) record player/tape recorder
  ( ) other ______
  ( ) number of people causing the noise ______ ______

( ) **OTHER**
  ( ) TRASH PICK-UP or PARKING LOT SWEEPERS near residential area before 7 a.m. or after 7 p.m.
  ( ) excessively loud trash pick-up truck.
  ( ) CONSTRUCTION NOISE before 7 a.m. or after 7 p.m.
  ( ) OR on Sunday or holidays.
  ( ) excessively loud construction noise near a residence.
  ( ) MOTOR VEHICLE REPAIR/MAINTENANCE noise.
  ( ) ______

( ) **TIME OF OCCURRENCE**
  ( ) every day
  ( ) every other day
  ( ) once or twice a week
  ( ) on weekends
  ( ) at night (between 10 p.m. & 7 a.m.)
  ( ) evening (from 7 p.m. to 10 p.m.)
  ( ) daytime (7 a.m. to 7 p.m.)
  ( ) other hours ______.
  ( ) when dogs are left unattended

( ) **LOCATION OF NOISE SOURCE**

Exact address from which the noise originates ______.

Name of the responsible party: ______.

Noise source(s) are located:
  ( ) outside in the front yard
  ( ) outside in the back yard
  ( ) other ______
  ( ) in the house
  ( ) in the garage

- -

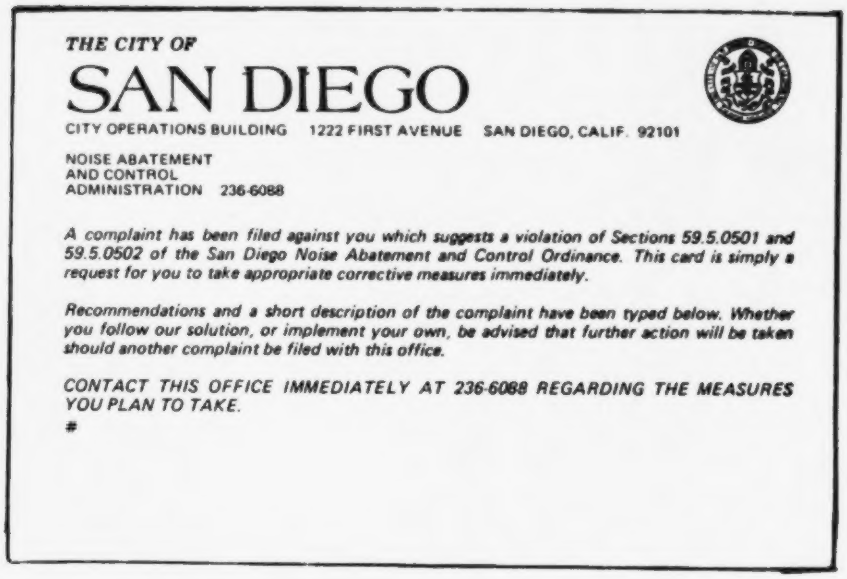
On ______, I contacted the person responsible for the disturbance informing them of my intent to file this complaint.

If you have not contacted the party you are accusing please explain your reasons on the back of this form.

______ print your name
______ your signature
______ your address ______ zip code
______ your telephone number

Exhibit 14a

Examples of Offender's Initial Warnings



THE CITY OF

SAN DIEGO

CITY OPERATIONS BUILDING 1222 FIRST AVENUE SAN DIEGO, CALIF. 92101

NOISE ABATEMENT
AND CONTROL
ADMINISTRATION 236-6088

A complaint has been filed against you which suggests a violation of Sections 59.5.0501 and 59.5.0502 of the San Diego Noise Abatement and Control Ordinance. This card is simply a request for you to take appropriate corrective measures immediately.

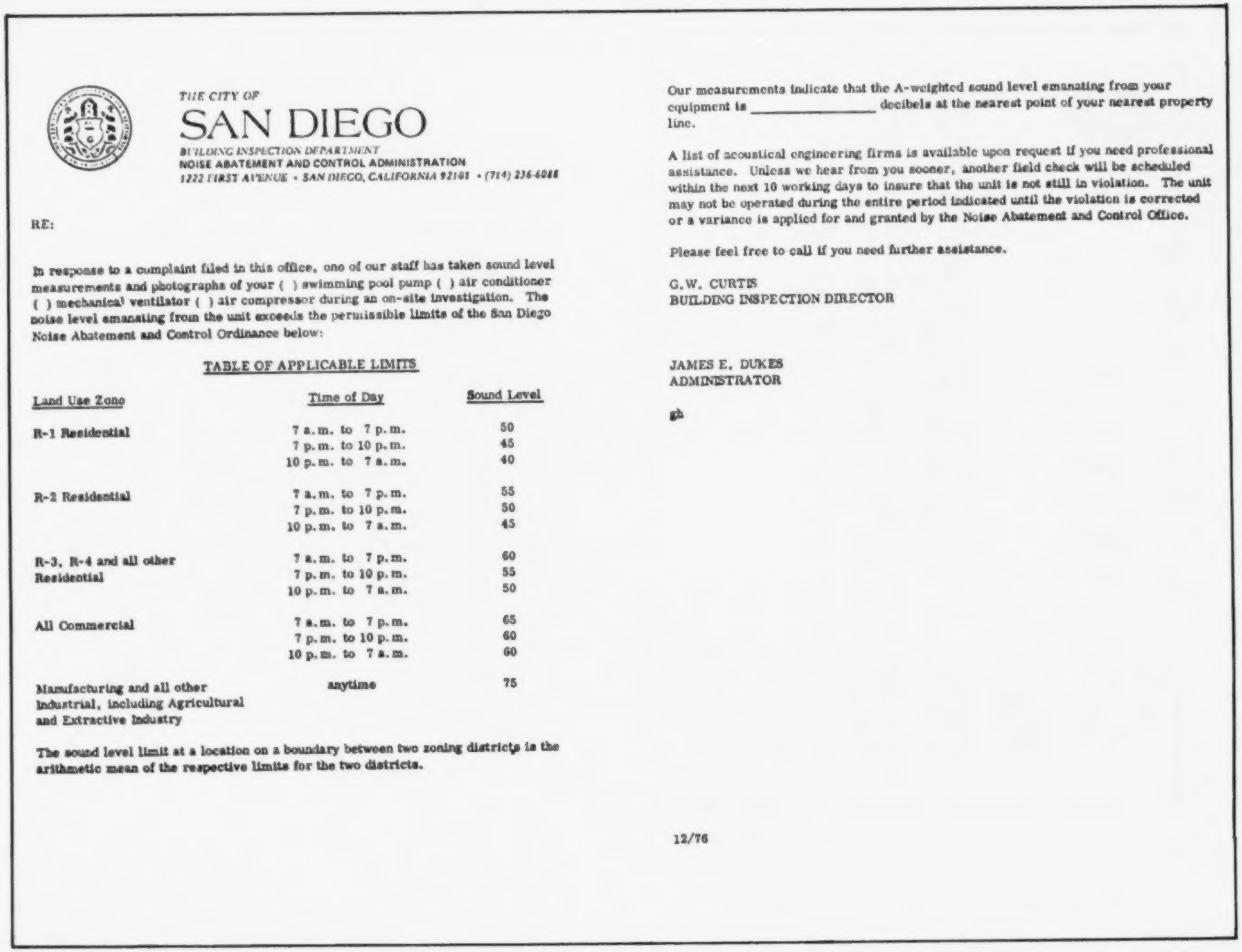
Recommendations and a short description of the complaint have been typed below. Whether you follow our solution, or implement your own, be advised that further action will be taken should another complaint be filed with this office.

CONTACT THIS OFFICE IMMEDIATELY AT 236-6088 REGARDING THE MEASURES YOU PLAN TO TAKE.

#

Exhibit 14a (continued)

Examples of Offender's Initial Warnings



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

In response to a complaint filed in this office, one of our staff has taken sound level measurements and photographs of your ( ) swimming pool pump ( ) air conditioner ( ) mechanical ventilator ( ) air compressor during an on-site investigation. The noise level emanating from the unit exceeds the permissible limits of the San Diego Noise Abatement and Control Ordinance below:

TABLE OF APPLICABLE LIMITS

Land Use Zone	Time of Day	Sound Level
R-1 Residential	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
R-2 Residential	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
R-3, R-4 and all other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
All Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
Manufacturing and all other Industrial, including Agricultural and Extractive Industry	anytime	75

The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Our measurements indicate that the A-weighted sound level emanating from your equipment is _______________ decibels at the nearest point of your nearest property line.

A list of acoustical engineering firms is available upon request if you need professional assistance. Unless we hear from you sooner, another field check will be scheduled within the next 10 working days to insure that the unit is not still in violation. The unit may not be operated during the entire period indicated until the violation is corrected or a variance is applied for and granted by the Noise Abatement and Control Office.

Please feel free to call if you need further assistance.

G.W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

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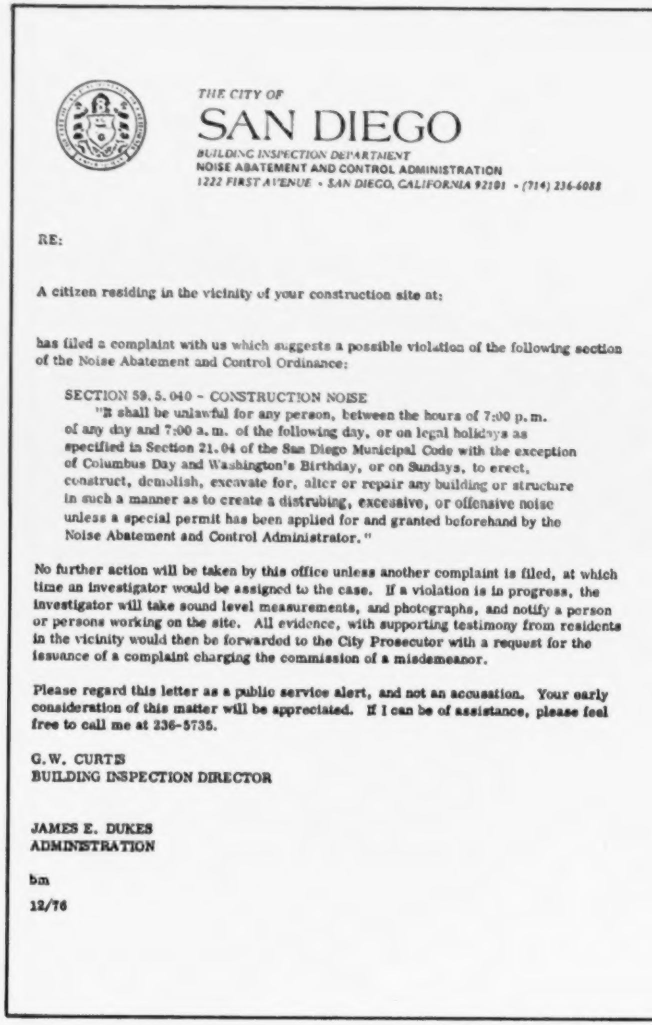
12/76

Exhibit 14a (continued)

Examples of Offender's Initial Warnings



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

A citizen residing in the vicinity of your construction site at:

has filed a complaint with us which suggests a possible violation of the following section of the Noise Abatement and Control Ordinance:

> SECTION 59.5.040 - CONSTRUCTION NOISE
> "It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code with the exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create a distrubing, excessive, or offensive noise unless a special permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator."

No further action will be taken by this office unless another complaint is filed, at which time an investigator would be assigned to the case. If a violation is in progress, the investigator will take sound level measurements, and photographs, and notify a person or persons working on the site. All evidence, with supporting testimony from residents in the vicinity would then be forwarded to the City Prosecutor with a request for the issuance of a complaint charging the commission of a misdemeanor.

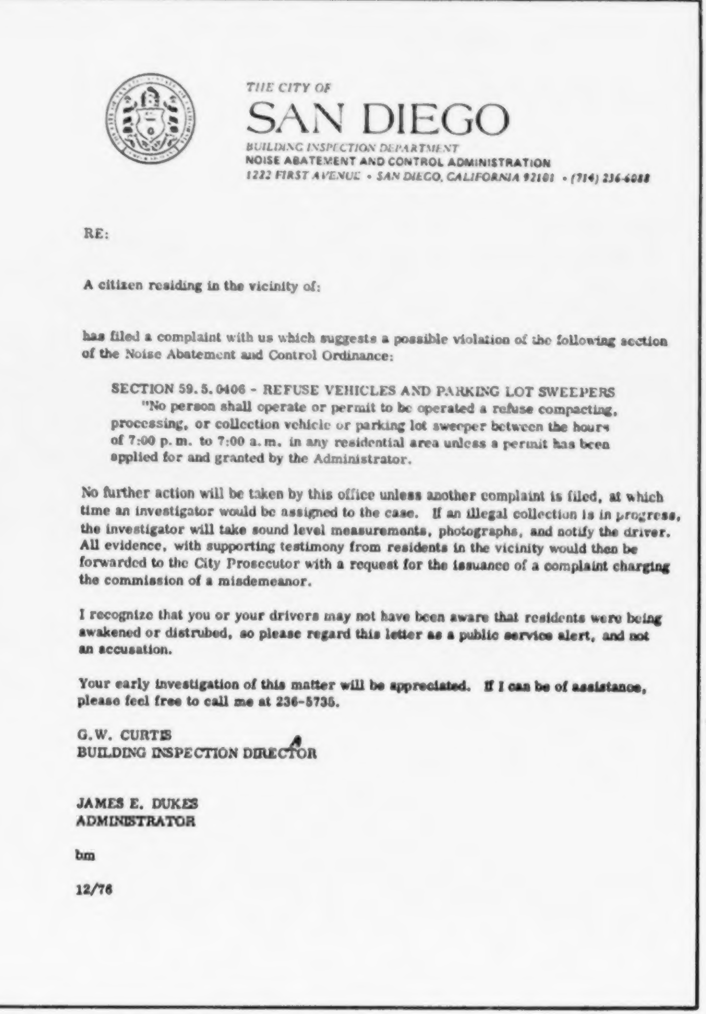
Please regard this letter as a public service alert, and not an accusation. Your early consideration of this matter will be appreciated. If I can be of assistance, please feel free to call me at 236-5735.

G.W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATION

bm

12/76



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

A citizen residing in the vicinity of:

has filed a complaint with us which suggests a possible violation of the following section of the Noise Abatement and Control Ordinance:

> SECTION 59.5.0406 - REFUSE VEHICLES AND PARKING LOT SWEEPERS
> "No person shall operate or permit to be operated a refuse compacting, processing, or collection vehicle or parking lot sweeper between the hours of 7:00 p.m. to 7:00 a.m. in any residential area unless a permit has been applied for and granted by the Administrator.

No further action will be taken by this office unless another complaint is filed, at which time an investigator would be assigned to the case. If an illegal collection is in progress, the investigator will take sound level measurements, photographs, and notify the driver. All evidence, with supporting testimony from residents in the vicinity would then be forwarded to the City Prosecutor with a request for the issuance of a complaint charging the commission of a misdemeanor.

I recognize that you or your drivers may not have been aware that residents were being awakened or distrubed, so please regard this letter as a public service alert, and not an accusation.

Your early investigation of this matter will be appreciated. If I can be of assistance, please feel free to call me at 236-5735.

G.W. CURTIS
BUILDING INSPECTION DIRECTOR

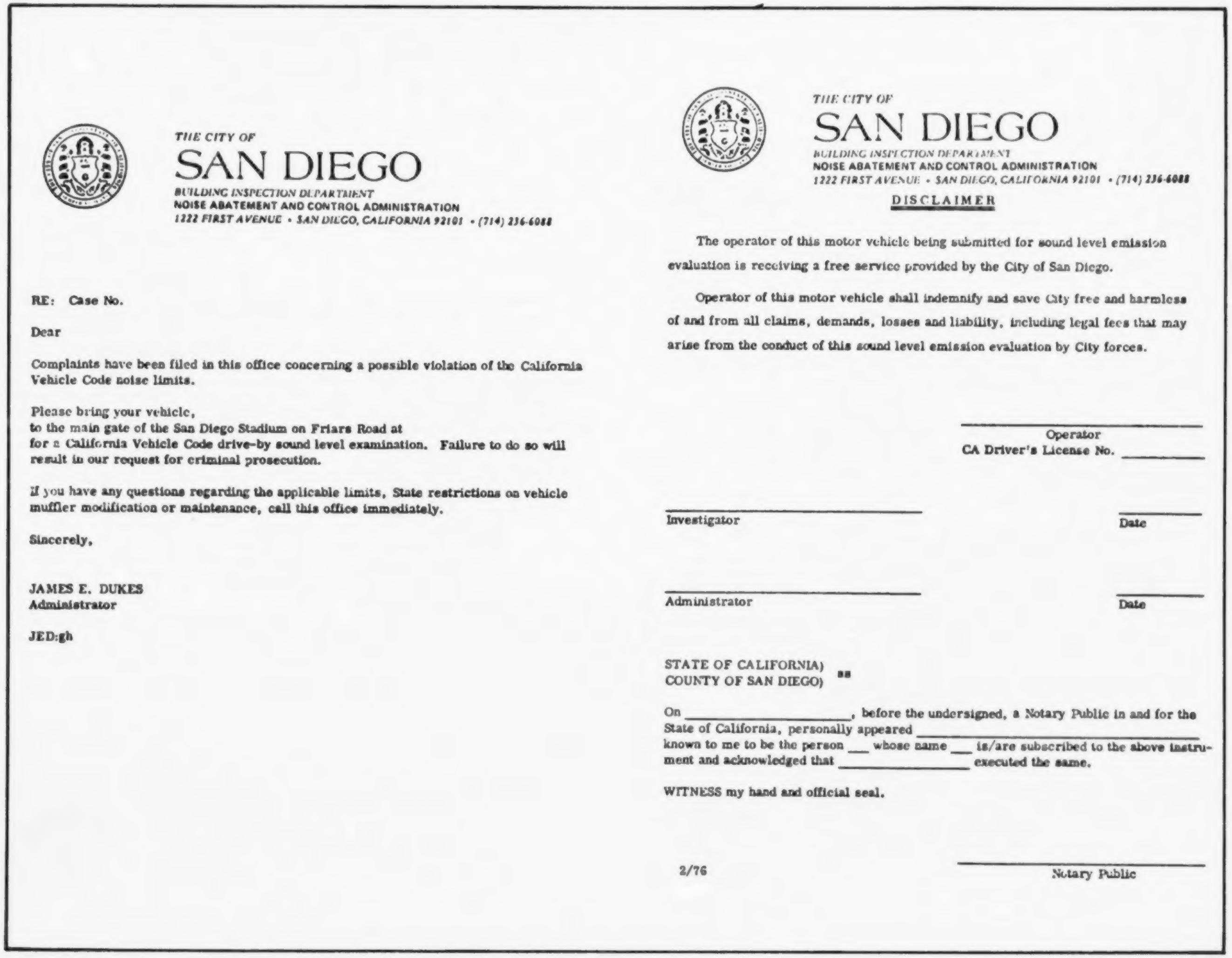
JAMES E. DUKES
ADMINISTRATOR

bm

12/76

Exhibit 14a (continued)

Examples of Offender's Initial Warnings



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE: Case No.

Dear

Complaints have been filed in this office concerning a possible violation of the California Vehicle Code noise limits.

Please bring your vehicle,
to the main gate of the San Diego Stadium on Friars Road at
for a California Vehicle Code drive-by sound level examination. Failure to do so will result in our request for criminal prosecution.

If you have any questions regarding the applicable limits, State restrictions on vehicle muffler modification or maintenance, call this office immediately.

Sincerely,

JAMES E. DUKES
Administrator

JED:gh

THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

DISCLAIMER

The operator of this motor vehicle being submitted for sound level emission evaluation is receiving a free service provided by the City of San Diego.

Operator of this motor vehicle shall indemnify and save City free and harmless of and from all claims, demands, losses and liability, including legal fees that may arise from the conduct of this sound level emission evaluation by City forces.

____
Operator
CA Driver's License No. ________

______________________ Investigator ________ Date

______________________ Administrator ________ Date

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On ______________, before the undersigned, a Notary Public in and for the State of California, personally appeared ______________________ known to me to be the person ___ whose name ___ is/are subscribed to the above instrument and acknowledged that ______________ executed the same.

WITNESS my hand and official seal.

2/76

____
Notary Public

apply to allow continuance of operations while steps toward compliance are being developed. (See Exhibit 14b.)

Correspondence With Complainant. The complainant is notified of the initial steps taken by the office. He is instructed to notify the noise control office immediately if the situation continues or reoccurs. This process is part of the follow-up procedures and serves to maintain the lines of communication, which are important in the enforcement of the program. Exhibit 14c shows a sample of this type of correspondence.

Receipt of Second Complaint. If another complaint is received concerning the same offense, a field investigation is conducted in which an investigator takes sound level measurements related to the alleged offense, takes photographs, and polls residents in the immediate vicinity. This is another step in the enforcement procedures of obtaining documented evidence for prosecution purposes.

Hearing Correspondence. If the investigator during his inspection is unable to lead the accused into a course of remedial action which is mutually agreeable with the complaining witnesses, a hearing is scheduled. A certified letter is mailed to the accused, explaining the violation of which he is accused and the date and place the hearing is scheduled. The certified letter not only documents correspondence to the accused, it also serves to clarify in some instances the accused's attitude in the matter and intent to act. If the accused refuses to sign for the office correspondence or signs for the letter but fails to attend, prosecution is normally initiated with dispatch. Exhibit 15 contains a sample of this letter. The accused is allowed to have counsel and witnesses. The accused is also advised of consequences that may arise if he is not present at the hearings.

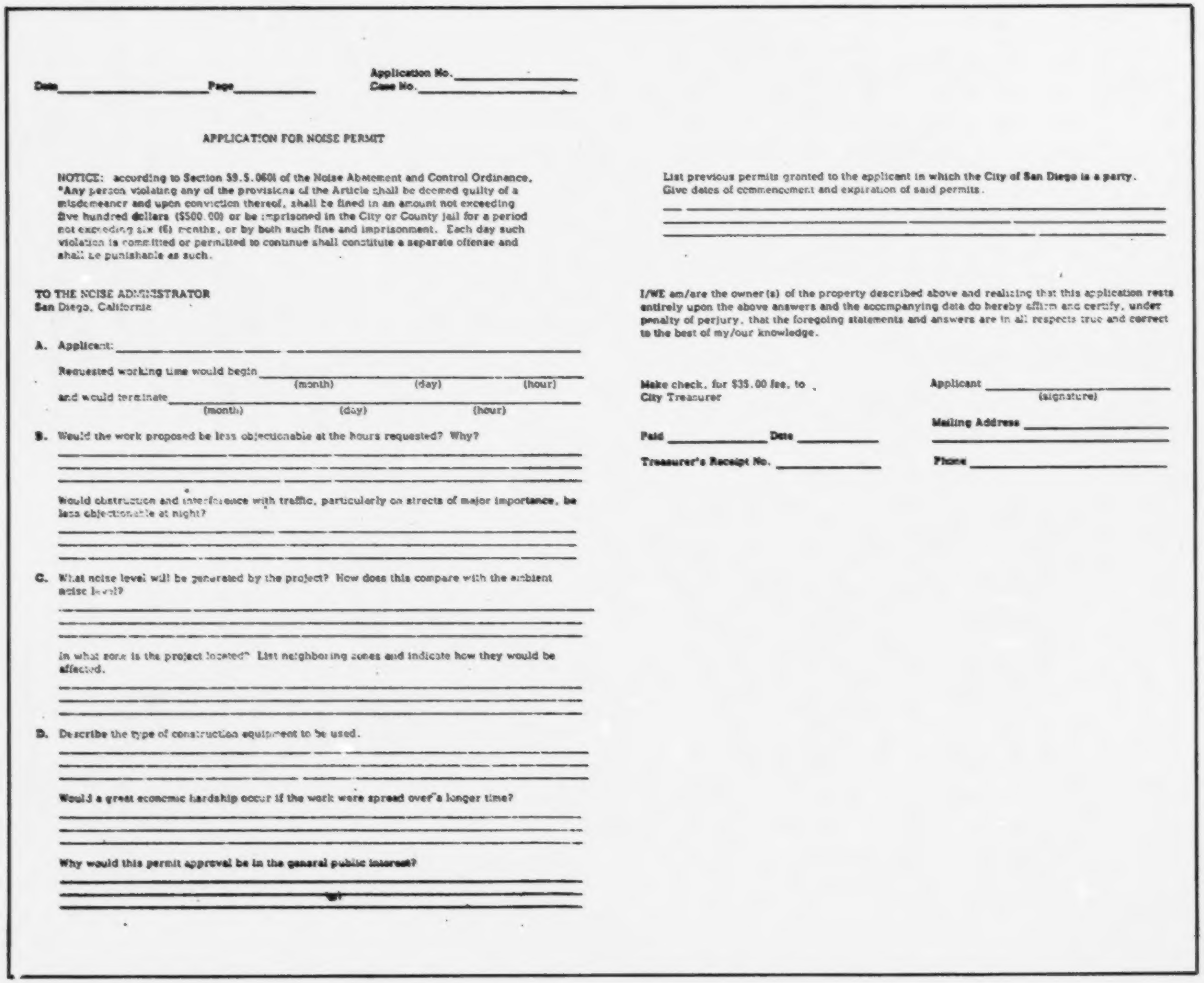
A similar letter is mailed to the complainant requesting his presence at the hearing. Complainants are allowed to have counsel and are encouraged to invite witnesses. They are warned about the outcome of the hearing if they are not present. Complainants are provided with a chart to record dates and durations of the noise disturbances from the time they receive notification of the meeting until the actual date of the hearing. This is viewed as further documentation and evidence for the complainant's case. Exhibit 16a shows a sample of this letter.

Hearings. Two types of hearings are conducted: pre-prosecution office hearings and hearings to consider permits and variances. In the first hearing, the defendant is advised of his rights to remain silent, to confer with legal counsel prior to responding to any questions and to know if a formal charge is filed. Statements made by the accused during the office hearing could be used against him or her in a court of law. At the conclusion of the hearing, after hearing testimony from both parties and considering the investigator's

Exhibit 14b

Application for Variance Permit

Reproduced from best available copy.



Date________________ Page__________

Application No.________________
Case No.________________

APPLICATION FOR NOISE PERMIT

NOTICE: according to Section 59.5.0601 of the Noise Abatement and Control Ordinance, "Any person violating any of the provisions of the Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

TO THE NOISE ADMINISTRATOR
San Diego, California

A. Applicant: ____________________________

Requested working time would begin ________ (month) ________ (day) ________ (hour)

and would terminate ________ (month) ________ (day) ________ (hour)

B. Would the work proposed be less objectionable at the hours requested? Why?

Would obstruction and interference with traffic, particularly on streets of major importance, be less objectionable at night?

C. What noise level will be generated by the project? How does this compare with the ambient noise level?

In what zone is the project located? List neighboring zones and indicate how they would be affected.

D. Describe the type of construction equipment to be used.

Would a great economic hardship occur if the work were spread over a longer time?

Why would this permit approval be in the general public interest?

List previous permits granted to the applicant in which the City of San Diego is a party. Give dates of commencement and expiration of said permits.

I/WE am/are the owner(s) of the property described above and realizing that this application rests entirely upon the above answers and the accompanying data do hereby affirm and certify, under penalty of perjury, that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge.

Make check, for $35.00 fee, to
City Treasurer

Paid __________ Date __________

Treasurer's Receipt No. __________

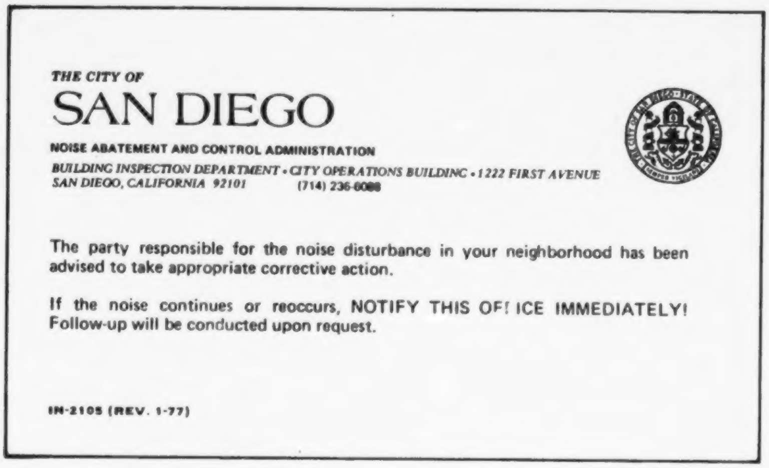
Applicant ________________ (signature)

Mailing Address ________________

Phone ________________

Exhibit 14c

Examples of Correspondence with Complainants



THE CITY OF

SAN DIEGO

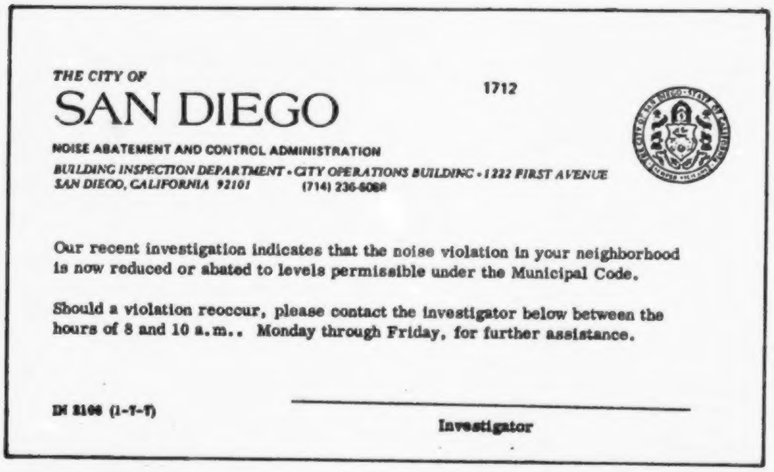
NOISE ABATEMENT AND CONTROL ADMINISTRATION

BUILDING INSPECTION DEPARTMENT • CITY OPERATIONS BUILDING • 1222 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101 (714) 236-6088

The party responsible for the noise disturbance in your neighborhood has been advised to take appropriate corrective action.

If the noise continues or reoccurs, NOTIFY THIS OFFICE IMMEDIATELY! Follow-up will be conducted upon request.

IN-2105 (REV. 1-77)



THE CITY OF

1712

SAN DIEGO

NOISE ABATEMENT AND CONTROL ADMINISTRATION

BUILDING INSPECTION DEPARTMENT • CITY OPERATIONS BUILDING • 1222 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101 (714) 236-6088

Our recent investigation indicates that the noise violation in your neighborhood is now reduced or abated to levels permissible under the Municipal Code.

Should a violation reoccur, please contact the investigator below between the hours of 8 and 10 a.m.. Monday through Friday, for further assistance.

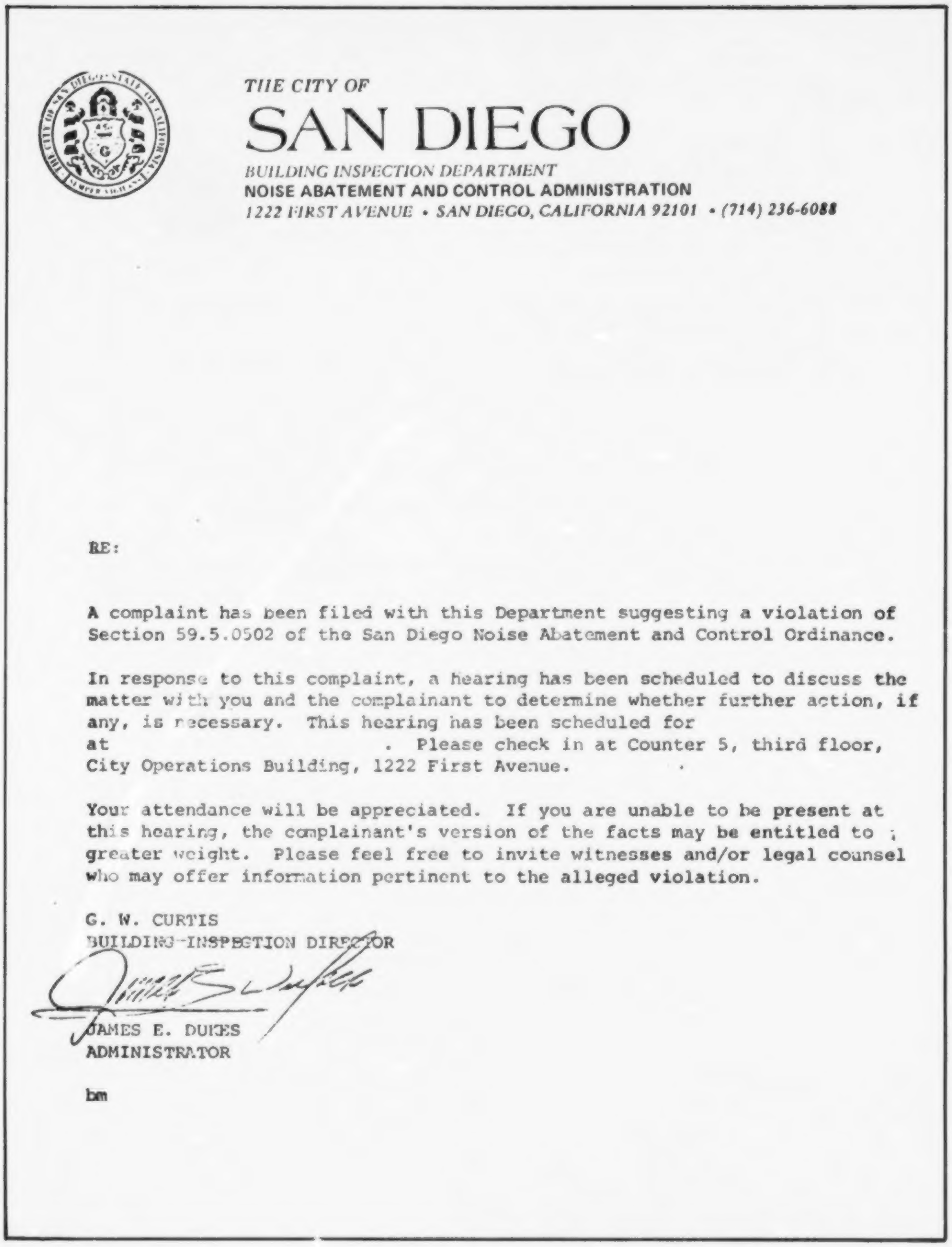
IN 2106 (1-7-7)

____

Investigator

Exhibit 15

Hearing Correspondence--Defendant



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

A complaint has been filed with this Department suggesting a violation of Section 59.5.0502 of the San Diego Noise Abatement and Control Ordinance.

In response to this complaint, a hearing has been scheduled to discuss the matter with you and the complainant to determine whether further action, if any, is necessary. This hearing has been scheduled for
at . Please check in at Counter 5, third floor, City Operations Building, 1222 First Avenue.

Your attendance will be appreciated. If you are unable to be present at this hearing, the complainant's version of the facts may be entitled to greater weight. Please feel free to invite witnesses and/or legal counsel who may offer information pertinent to the alleged violation.

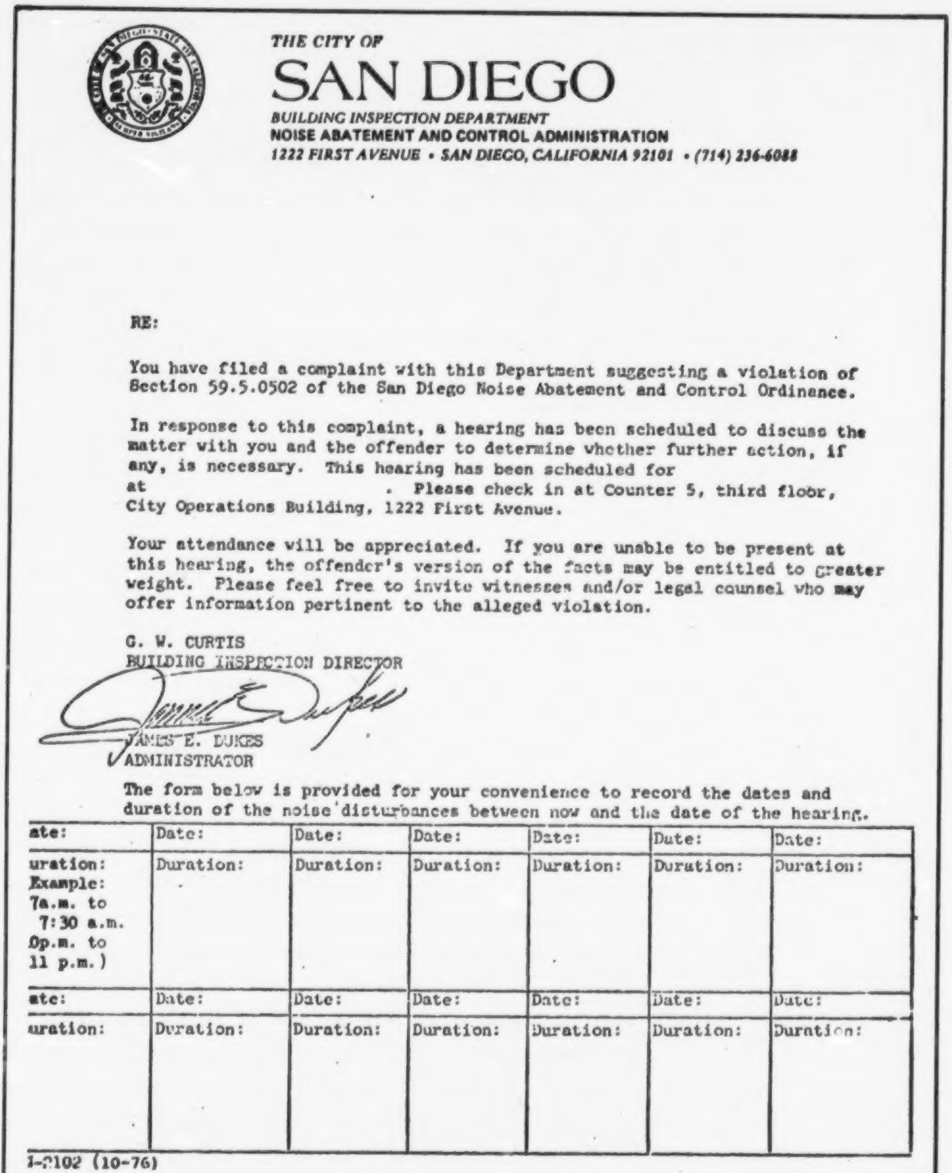
G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

bm

Exhibit 16a

Hearing Correspondence--Complainant



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

You have filed a complaint with this Department suggesting a violation of Section 59.5.0502 of the San Diego Noise Abatement and Control Ordinance.

In response to this complaint, a hearing has been scheduled to discuss the matter with you and the offender to determine whether further action, if any, is necessary. This hearing has been scheduled for
at . Please check in at Counter 5, third floor, City Operations Building, 1222 First Avenue.

Your attendance will be appreciated. If you are unable to be present at this hearing, the offender's version of the facts may be entitled to greater weight. Please feel free to invite witnesses and/or legal counsel who may offer information pertinent to the alleged violation.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

The form below is provided for your convenience to record the dates and duration of the noise disturbances between now and the date of the hearing.

ate:	Date:	Date:	Date:	Date:	Date:	Date:
uration: Example: 7a.m. to 7:30 a.m. 0p.m. to 11 p.m.)	Duration:	Duration:	Duration:	Duration:	Duration:	Duration:
ate:	Date:	Date:	Date:	Date:	Date:	Date:
uration:	Duration:	Duration:	Duration:	Duration:	Duration:	Duration:

1-2102 (10-76)

report and any evidence or written testimony submitted to the Administrator during the hearing, a decision is rendered with a recommendation for compliance. The defendant is advised as to what steps to take to specifically remedy the problem and the period of time in which to act. Failure to implement these recommendations is considered willful intent not to comply by the defendant. A brief findings and disposition of the recommendations are published approximately one week after the hearing.

If the hearing is convened to consider a variance or appeal request, to continue a noise or operation of noisy equipment in violation of the code, the focus of the hearing is to consider the adequacy of remedial efforts proposed by the applicants in an acoustical analysis report presented previously to the office. The applicant is given a few minutes to argue his case before the Administrator and any attending residents living in proximity to the site in question. In the case of sandblasting or other mobile noise sources, the public at large is invited to attend the hearing and is permitted to speak for or against the proposal.

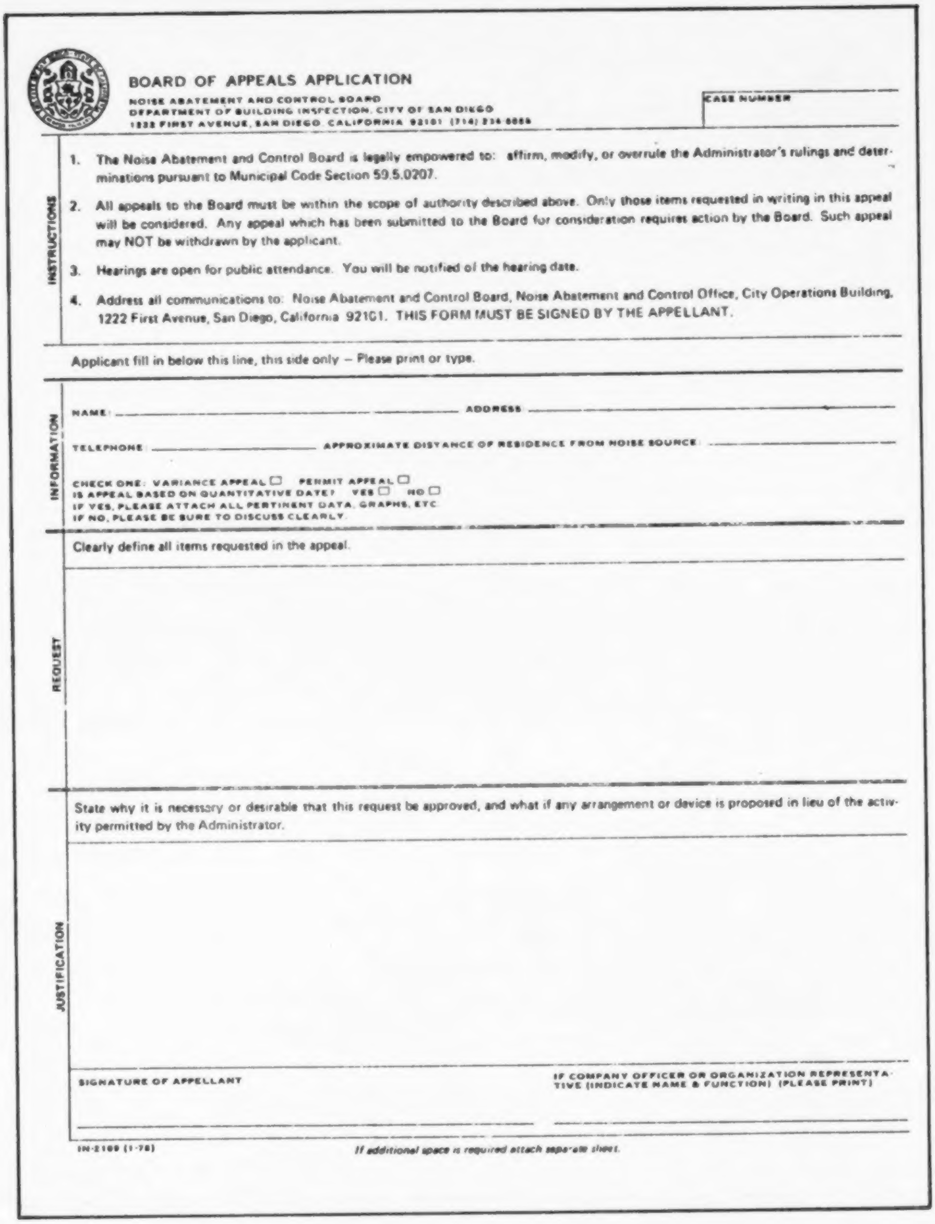
The Administrator has the authority to either deny or approve the permit or variance application. Findings and disposition containing a findings of fact in the matter and conditions, if any, on the variance including time restrictions and whatever operation considerations are germane are always published. These decisions are appealable in writing to the Noise Abatement and Control Board (Exhibit 16b). The Board has the authority to uphold, overturn, or impose new conditions on the Administrator's decision or the variance application. There is no appeal from the Board's decision, except through the courts.

Defendant's Failure to Appear at Hearing. If the accused fails to appear at the scheduled hearing, he is mailed a letter similar to the one in Exhibit 17. The accused is warned or advised that further complaints received concerning a reoccurrence of the noise violation will result in initiation of prosecution. The accused, at this point, is encouraged to notify the office if he is taking corrective measures to alleviate any misunderstandings concerning his intent. The complainant is advised to notify the office immediately concerning reoccurrence of the noise violation.

Prosecution. If complaints continue to be registered with the Noise Abatement and Control Office concerning the accused's failure to correct the problem, the case is forwarded to the City Attorney's Office. A criminal complaint is issued charging the defendant with commission of a misdemeanor. The defendant is informed of this action by letter (Exhibit 18). Exhibit 19 contains the standardized form used to forward and summarize the case for the city prosecutor.

Exhibit 16b

Application for Appeal



BOARD OF APPEALS APPLICATION

NOISE ABATEMENT AND CONTROL BOARD
DEPARTMENT OF BUILDING INSPECTION, CITY OF SAN DIEGO
1222 FIRST AVENUE, SAN DIEGO, CALIFORNIA 92101 (714) [illegible]

CASE NUMBER

INSTRUCTIONS

1. The Noise Abatement and Control Board is legally empowered to: affirm, modify, or overrule the Administrator's rulings and determinations pursuant to Municipal Code Section 59.5.0207.
2. All appeals to the Board must be within the scope of authority described above. Only those items requested in writing in this appeal will be considered. Any appeal which has been submitted to the Board for consideration requires action by the Board. Such appeal may NOT be withdrawn by the applicant.
3. Hearings are open for public attendance. You will be notified of the hearing date.
4. Address all communications to: Noise Abatement and Control Board, Noise Abatement and Control Office, City Operations Building, 1222 First Avenue, San Diego, California 92101. THIS FORM MUST BE SIGNED BY THE APPELLANT.

Applicant fill in below this line, this side only – Please print or type.

INFORMATION

NAME: ______ ADDRESS ______

TELEPHONE: ______ APPROXIMATE DISTANCE OF RESIDENCE FROM NOISE SOURCE: ______

CHECK ONE: VARIANCE APPEAL ☐ PERMIT APPEAL ☐
IS APPEAL BASED ON QUANTITATIVE DATE? YES ☐ NO ☐
IF YES, PLEASE ATTACH ALL PERTINENT DATA, GRAPHS, ETC.
IF NO, PLEASE BE SURE TO DISCUSS CLEARLY.

REQUEST

Clearly define all items requested in the appeal.

JUSTIFICATION

State why it is necessary or desirable that this request be approved, and what if any arrangement or device is proposed in lieu of the activity permitted by the Administrator.

SIGNATURE OF APPELLANT

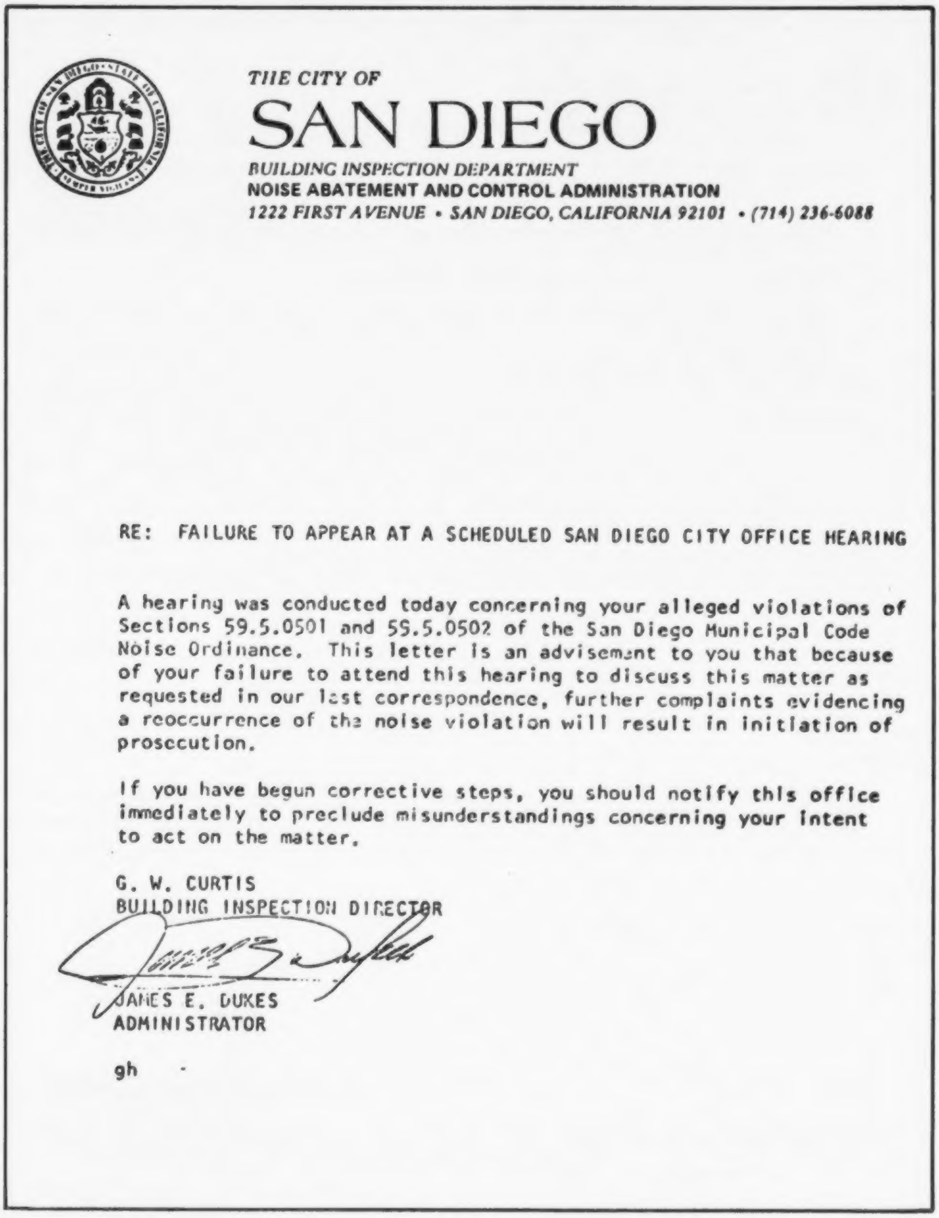
IF COMPANY OFFICER OR ORGANIZATION REPRESENTATIVE (INDICATE NAME & FUNCTION) (PLEASE PRINT)

IN-2109 (1-78)

If additional space is required attach separate sheet.

Exhibit 17

Example of Correspondence Citing Failure to Appear at Hearing



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE: FAILURE TO APPEAR AT A SCHEDULED SAN DIEGO CITY OFFICE HEARING

A hearing was conducted today concerning your alleged violations of Sections 59.5.0501 and 59.5.0502 of the San Diego Municipal Code Noise Ordinance. This letter is an advisement to you that because of your failure to attend this hearing to discuss this matter as requested in our last correspondence, further complaints evidencing a reoccurrence of the noise violation will result in initiation of prosecution.

If you have begun corrective steps, you should notify this office immediately to preclude misunderstandings concerning your intent to act on the matter.

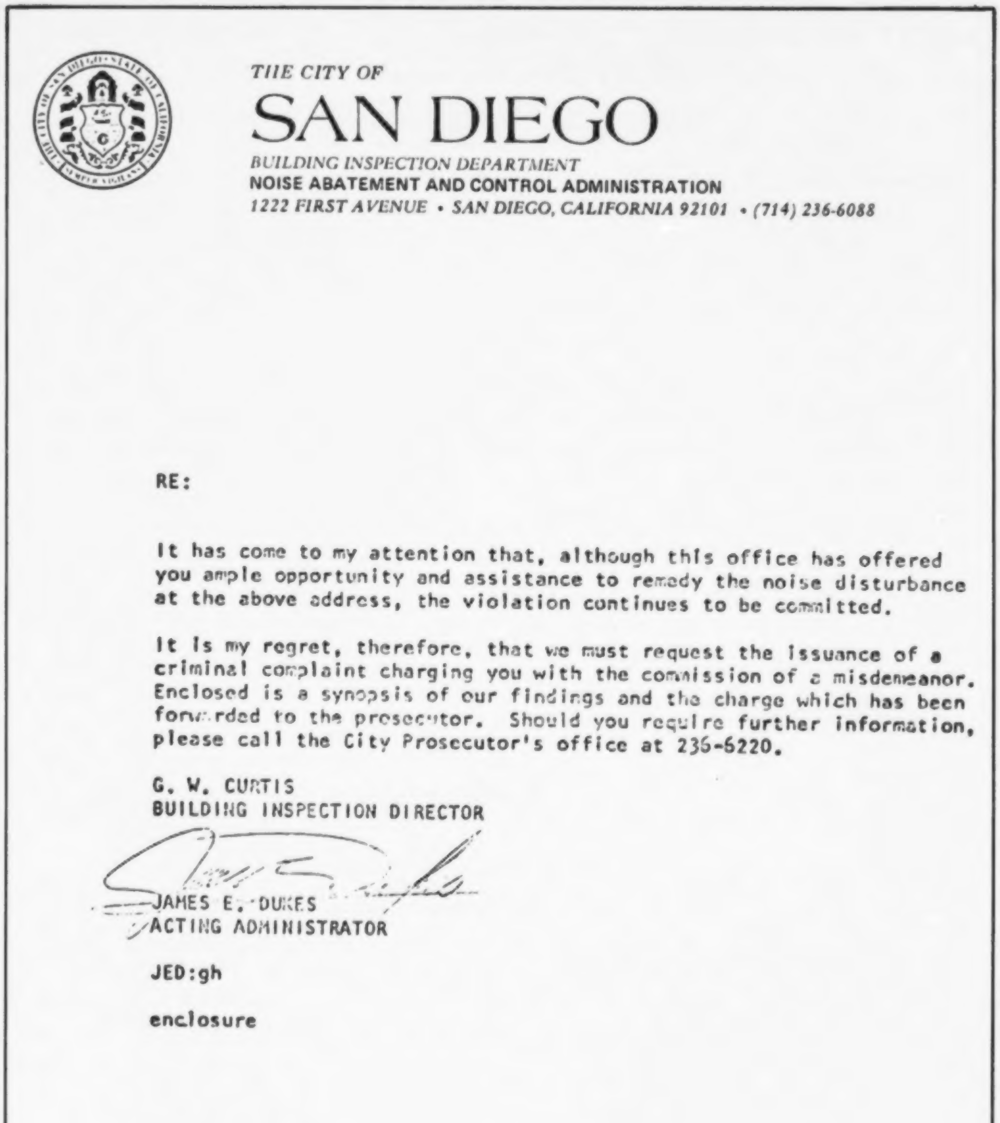
G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

gh

Exhibit 18

Prosecution Correspondence--Defendant



THE CITY OF
SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL ADMINISTRATION
1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA 92101 • (714) 236-6088

RE:

It has come to my attention that, although this office has offered you ample opportunity and assistance to remedy the noise disturbance at the above address, the violation continues to be committed.

It is my regret, therefore, that we must request the issuance of a criminal complaint charging you with the commission of a misdemeanor. Enclosed is a synopsis of our findings and the charge which has been forwarded to the prosecutor. Should you require further information, please call the City Prosecutor's office at 236-6220.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ACTING ADMINISTRATOR

JED:gh

enclosure

Reproduced from best available copy.

Exhibit 19

Case Report to the City Prosecutor

City of San Diego
Noise Abatement and Control Administration
Building Inspection Department

1712

CASE REPORT TO THE CITY PROSECUTOR

DEFENDANT'S NAME____________________ ADDRESS____________________

Birthdate: Sex: Hair: Eyes: Height: Weight:

CHARGE: PLACE: TIME:

Description of the complaint, including the latest occurrence:

Chronological summary of facts:

1. Date complaint was first filed . . . .(Exhibit A)_______
2. Date first warning was mailed to defendant . . . .(Exhibit B)_______
3. Date second complaint was filed. . . . .(Exhibit A)_______
4. Date surrounding neighbors within a 200 foot radius were contacted .(Exhibit C)_______
5. Date letter was sent inviting attendance at the office hearing . . .(Exhibit F)_______
6. Date hearing was convened by the Noise Abatement and Control Administration__________

Hearing Attendees Address

Summary and conclusions of hearing:

7. Date Notify Warrant was requested, and notice of intent to prosecute mailed to defendant. . . . .(Exhibit G)_______

Exhibits:

A. Noise Complaint Record (record of office activity concerning this case).
B. Example of first notice sent to defendant.
C. Plot map of the area showing defendant's property (highlighted) and the complainants' property (outlined in red).
D. Example of cards used in polling the 200 foot radius area in the neighborhood.
E. Data processing sheet with identification of property owners, and their responses within a 200 foot radius circle depicted on the plot map.
F. Example of hearing notices.
G. Example of letter mailed to defendant notifying that this office is forwarding the case to the City Prosecutor with a request for prosecution.

____
Investigator(s) Assigned
2/76

JAMES E. DUKES
Administrator
Date Approved____

Although the goal of the San Diego Noise Control Program is the achievement of compliance, the possibility of having to prosecute is never overlooked. While violators are allowed ample time and opportunity to comply, steps are taken to carefully document the entire process to facilitate court appearances, if required. Careful and effective documentation is an important element for achieving credibility and convictions in court cases.

Coordination of Noise Control Activities with Other City Departments and Agencies

It may be recalled that the ordinance passed by the Council in September 1973 was a weak law, and essentially only established the function of the Administrator and placed enforceable limits on nuisance types of neighborhood noise sources, such as dog barking. Even today, 80 percent of the noise complaints registered directly with the office consist of dog barking. At the same time, however, few outsiders realize that the indirect control of noise through the enforcement of California statutes has penetrated the consciousness of the relevant administrative departments and the policy makers of the city. The noise issue has gained wide public awareness, and above all there is a great deal of momentum toward controlling noise disturbances in the city.

While a short description of the office's cooperation with other departments follows, it is useful to gain a broad view of the Administrator's involvement with city departments. Noise control programs have been developed or are in the process of development with:

- The Mayor's Office
- The City Council
- The City Attorney's Office
- The Zoning Administration
- The Police Department
- The Environmental Quality Department
- The Transportation Department
- The Building Inspection Department
- The Aquatic Division of the Parks and Recreation Department

The Administrator also has cooperative programs with:

- The Harbor Patrol
- The Comprehensive Planning Organization
- The Unified Port District of San Diego
- The U. S. Border Patrol
- Other jurisdictions of San Diego County, and
- The Armed Forces (mainly Miramar Naval Air Station and Riem Field, a Navy heliport near the U. S.-Mexican border).

The following material describes the decision-making associated with each of the administrative units and the output of each department affected by the noise control program.[45]

The Mayor's office and individual city councilmen regularly transmit information to the Administrator by way of route slips. These route slips transmit on a regular basis noise complaints or some dissatisfaction with a noise decision from the members of the public. Route slips are usually answered within 3 days with a decision or answer by the Administrator reviewed by the Department Director. The route slips serve as a window into the Mayoral and Council offices and constitute a unique vehicle for the manager's office to be continuously in contact with the top political decision-makers of the city.[46]

The Zoning Administration regularly consults with the Administrator on problems that may have an effect on public exposure to noise. These include future land uses, conditional variance, or variances applied for. The projects might be on a large scale, such as rezoning of a manufacturing area to commercial, or on a small scale, such as approving a home occupation permit (e.g., piano teaching in a private home).[47]

The Administrator reviews plans for new subdivisions to determine whether future residents will be affected by noise. If the Administrator is not in agreement with the noise levels indicated in the plan, the owners of the subdivision will be asked to develop mitigation. Acousticians are available to aid developers if required. (A list of approved acousticians is included in Appendix J.) After the problem is corrected as recommended by the acoustician, a statement to that effect becomes part of the environmental impact statement. The statement then goes to the Subdivision Review Committee, to the Planning Department and to the Planning Commission. Depending on the importance of the case, it may then be forwarded to the Mayor and the Council.

The Environmental Quality Division (EQD) occasionally works in concert with the noise Administrator to review environmental reports for adequacy of their noise statements. As a result, he may also develop a program which will be carried out by EQD. The department also works with land developers to make them aware of noise insulation requirements, and of aircraft overflight, ambient, and other noise problems. Through the noise office, EQD provides literature on noise to prospective home buyers.[48]

The Transportation Department receives the full benefit of the Administrator's assistance, since he does most of the acoustical analyses for them. Principally, he calculates the noise impact exposure for a given situation which the Transportation Department is called on to solve. Typical examples of work performed for the Transportation Department include:[49]

- A noise impact analysis of an FHWA-financed road widening (Appendix K),
- Analysis of noise from trucks passing through and parked in a residential area,

- Development of a computer program to calculate impact exposure, and
- Recommendations for posting weight limits on a street with an elementary school located on it, thereby forcing noisy trucks to use different streets (Appendix L).

The Building Inspection Department utilizes the step-by-step procedures developed by the Administrator for reviewing building plans submitted for approval. Sources of the most common problems are the omission of drywall behind shower stalls and tubs, the lack of acoustical sealant along floor/wall surface, and the waterfall effect from plastic pipes. The following procedure is used in reviewing proposed plans:[50]

- Builders submit their plans for noise control approval.
- The plans are logged in by the office.
- The plans are compared with noise contour limits of aircraft noise if the property is located in an aircraft overflight area (Exhibit 20).
- The plans are then compared to the transportation noise contour limits based on the noise generated by the major highways passing through San Diego, and measured by traffic flow (Exhibit 21).
- If the proposed building site is located within a community noise equivalent level greater than 60 decibels, the builder is notified by mail (Exhibit 22) of the requirement to submit an acoustical analysis report, which demonstrates that the exterior wall assemblies are adequate to attenuate exterior sound levels to interior levels not greater than 45 decibels community noise equivalent level. The most significant revision in the building plan under these circumstances is usually the installation of mechanical ventilation which will permit the windows of the proposed building to be kept closed for extended periods of time in order to mitigate the subject noise. The builder's next step is to have an acoustical analysis performed. The acoustician is responsible for the accuracy of the amended plans; therefore, his credibility is at stake. A sample of an acoustical analysis report is shown in Exhibit 23, as are diagrams of sound transmission controls produced by the Building Inspection Department. As new party wall designs are analyzed, they are added to the department's portfolio of acceptable sound reducing wall assemblies. The objective is to acquire the greatest number of alternative successful solutions to the problem as possible, thus minimizing future expense to the industry.
- Once analysis is made, the acoustical firm stamps it for approval.
- The Administrator approves building plans by stamping them (Exhibit 24).
- During construction, the building inspector makes on-site inspections of actual construction against approved plans. In addition, buildings are checked for acceptable noise limits after completion.

Exhibit 20

Examples of Transportation Noise Contour Limits

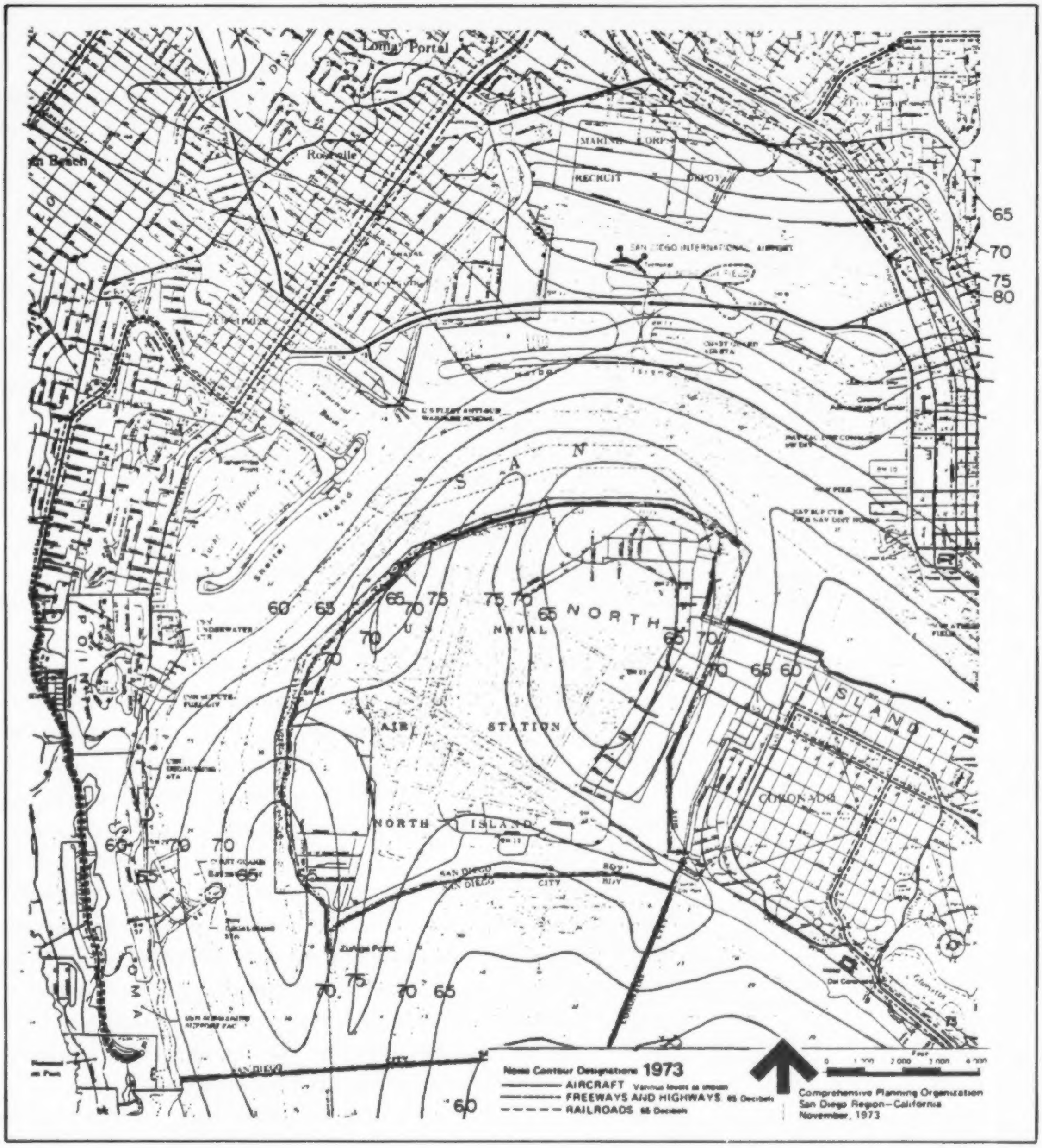
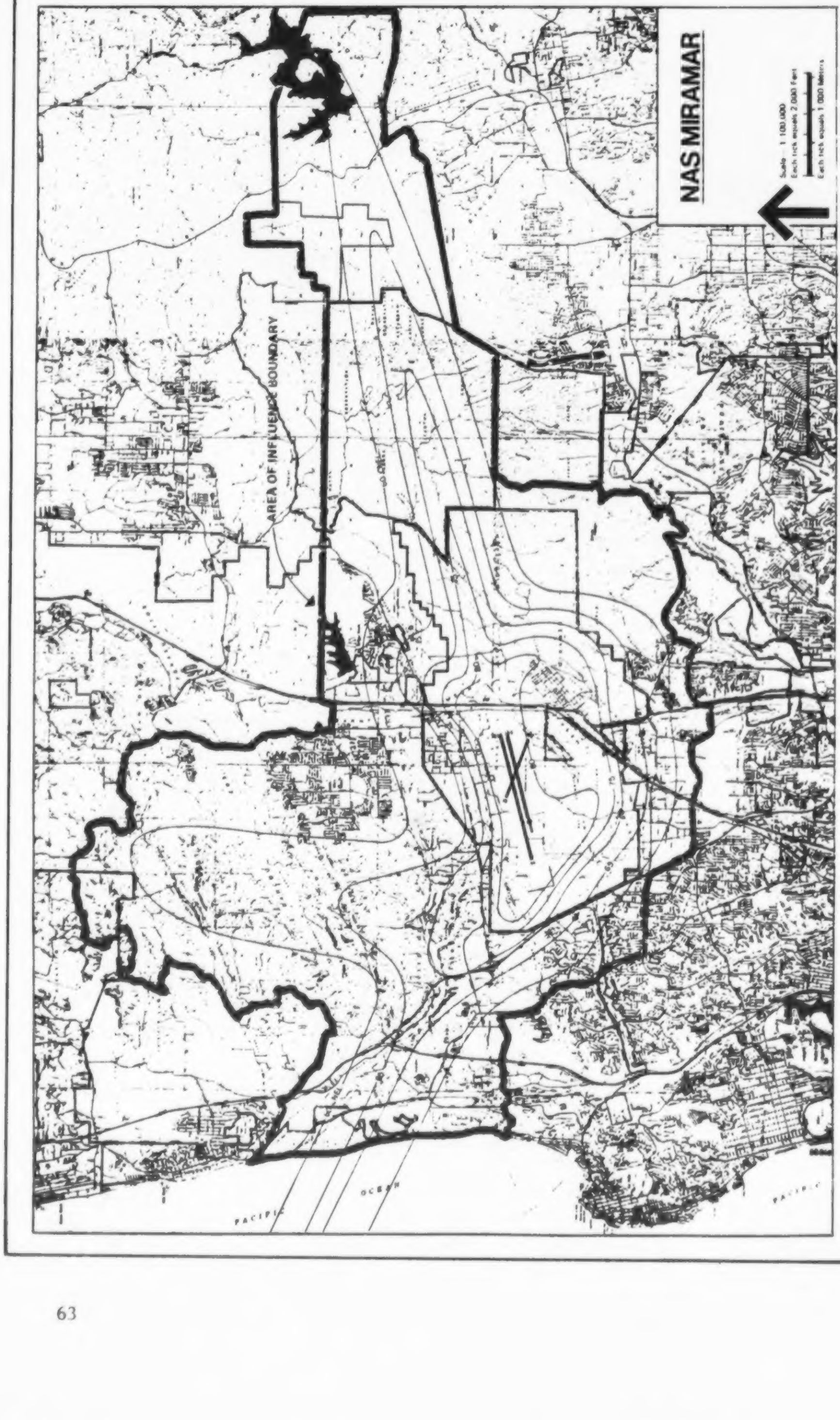

Loma Portal
Roseville
MARINE CORPS RECRUIT DEPOT
SAN DIEGO INTERNATIONAL AIRPORT
SAN
NORTH ISLAND
NAVAL AIR STATION
NORTH ISLAND
CORONADO
SAN DIEGO CITY BAY
Zuniga Point
POINT LOMA
60
65
70
75
80
Noise Contour Designations 1973
AIRCRAFT Various levels as shown
FREEWAYS AND HIGHWAYS 65 Decibels
RAILROADS 65 Decibels
Comprehensive Planning Organization
San Diego Region—California
November, 1973

Exhibit 20 (continued)

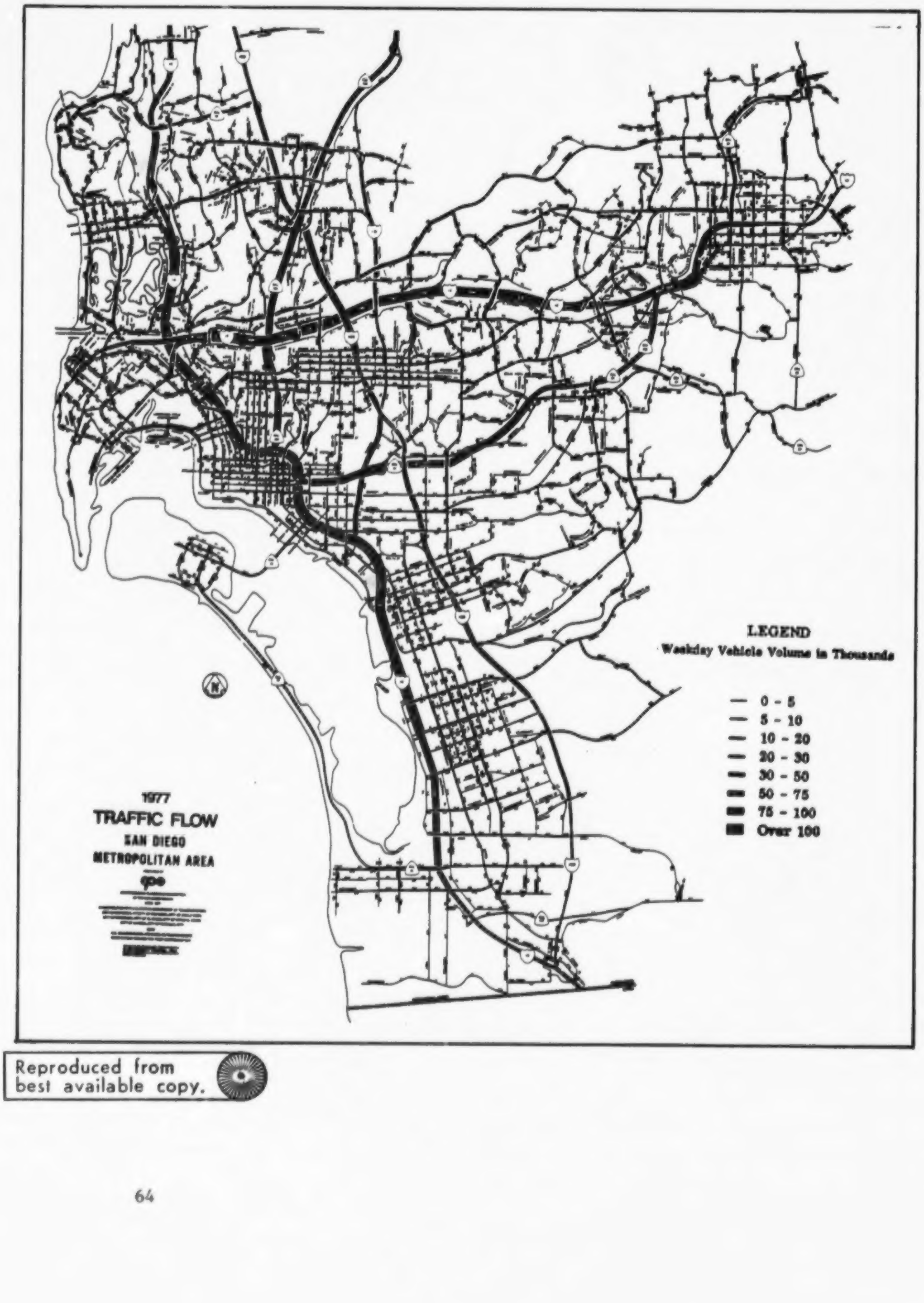
Examples of Transportation Noise Contour Limits


NAS MIRAMAR
AREA OF INFLUENCE BOUNDARY
PACIFIC
OCEAN

Source: Comprehensive Planning Organization of the San Diego Region, Comprehensive Land Use Plan, NAS Miramar, July 1977, pp 6, 7.

Exhibit 21

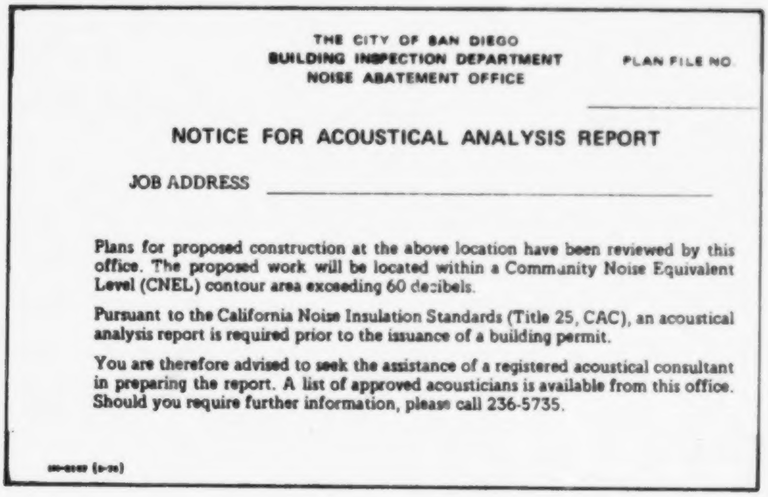
Traffic Flow Map


LEGEND
Weekday Vehicle Volume in Thousands
0 - 5
5 - 10
10 - 20
20 - 30
30 - 50
50 - 75
75 - 100
Over 100
1977
TRAFFIC FLOW
SAN DIEGO
METROPOLITAN AREA

Reproduced from best available copy.

Exhibit 22

Notice for Acoustical Analysis Report
(postcard)



THE CITY OF SAN DIEGO
BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT OFFICE

PLAN FILE NO. ____________

NOTICE FOR ACOUSTICAL ANALYSIS REPORT

JOB ADDRESS ____________________________

Plans for proposed construction at the above location have been reviewed by this office. The proposed work will be located within a Community Noise Equivalent Level (CNEL) contour area exceeding 60 decibels.

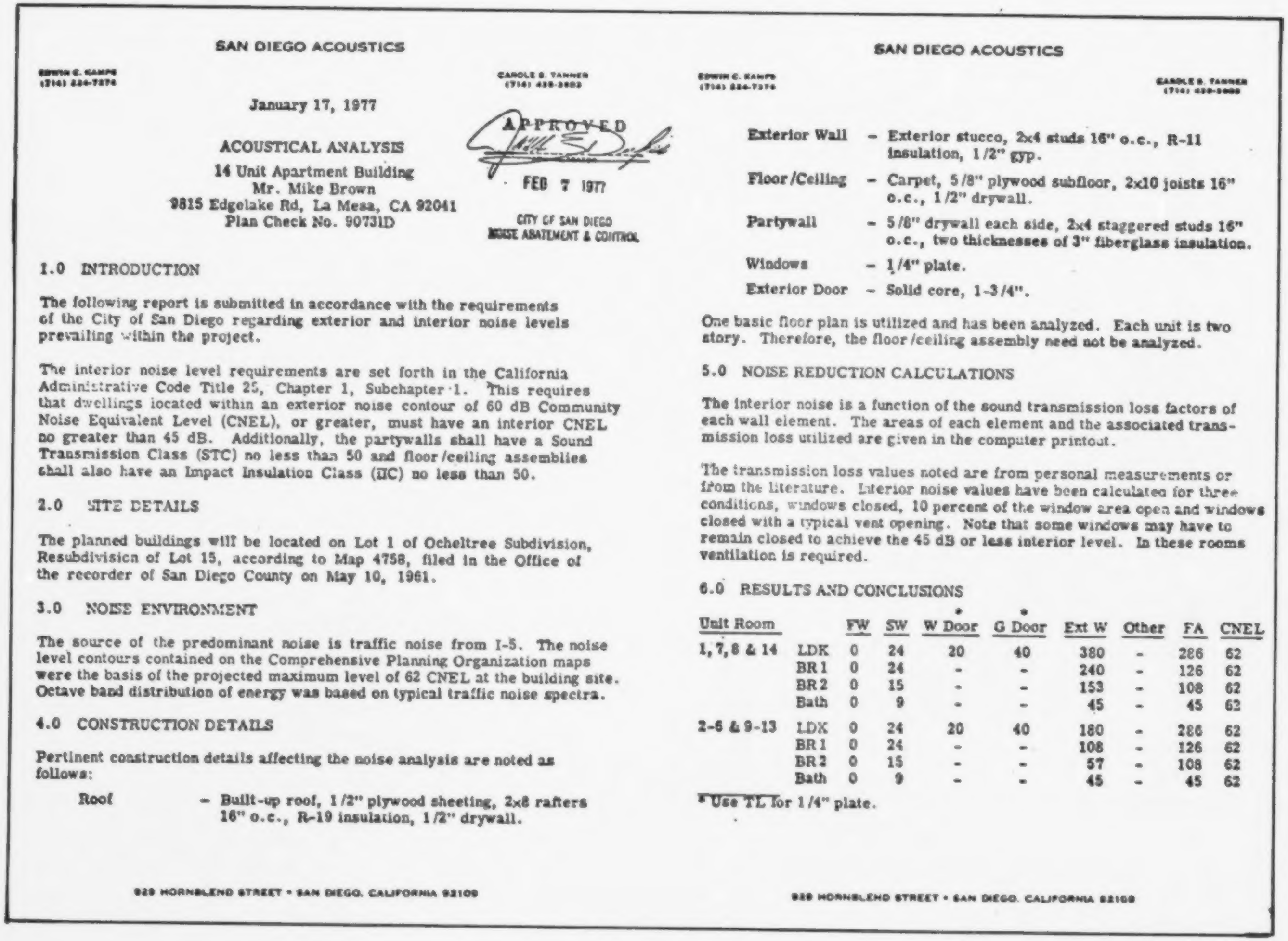
Pursuant to the California Noise Insulation Standards (Title 25, CAC), an acoustical analysis report is required prior to the issuance of a building permit.

You are therefore advised to seek the assistance of a registered acoustical consultant in preparing the report. A list of approved acousticians is available from this office. Should you require further information, please call 236-5735.

e

Exhibit 23

Example of Acoustical Analysis Report



SAN DIEGO ACOUSTICS

EDWIN C. KAMPE
(714) 224-7376

CAROLE S. TANNER
(714) 459-3602

January 17, 1977

APPROVED
FEB 7 1977
CITY OF SAN DIEGO
NOISE ABATEMENT & CONTROL

ACOUSTICAL ANALYSIS
14 Unit Apartment Building
Mr. Mike Brown
9815 Edgelake Rd, La Mesa, CA 92041
Plan Check No. 90731D

1.0 INTRODUCTION

The following report is submitted in accordance with the requirements of the City of San Diego regarding exterior and interior noise levels prevailing within the project.

The interior noise level requirements are set forth in the California Administrative Code Title 25, Chapter 1, Subchapter 1. This requires that dwellings located within an exterior noise contour of 60 dB Community Noise Equivalent Level (CNEL), or greater, must have an interior CNEL no greater than 45 dB. Additionally, the partywalls shall have a Sound Transmission Class (STC) no less than 50 and floor/ceiling assemblies shall also have an Impact Insulation Class (IIC) no less than 50.

2.0 SITE DETAILS

The planned buildings will be located on Lot 1 of Ocheltree Subdivision, Resubdivision of Lot 15, according to Map 4758, filed in the Office of the recorder of San Diego County on May 10, 1961.

3.0 NOISE ENVIRONMENT

The source of the predominant noise is traffic noise from I-5. The noise level contours contained on the Comprehensive Planning Organization maps were the basis of the projected maximum level of 62 CNEL at the building site. Octave band distribution of energy was based on typical traffic noise spectra.

4.0 CONSTRUCTION DETAILS

Pertinent construction details affecting the noise analysis are noted as follows:

Roof - Built-up roof, 1/2" plywood sheeting, 2x8 rafters 16" o.c., R-19 insulation, 1/2" drywall.

928 HORNBLEND STREET • SAN DIEGO, CALIFORNIA 92109

SAN DIEGO ACOUSTICS

EDWIN C. KAMPE
(714) 224-7376

CAROLE S. TANNER
(714) 459-3602

Exterior Wall - Exterior stucco, 2x4 studs 16" o.c., R-11 insulation, 1/2" gyp.

Floor/Ceiling - Carpet, 5/8" plywood subfloor, 2x10 joists 16" o.c., 1/2" drywall.

Partywall - 5/8" drywall each side, 2x4 staggered studs 16" o.c., two thicknesses of 3" fiberglass insulation.

Windows - 1/4" plate.

Exterior Door - Solid core, 1-3/4".

One basic floor plan is utilized and has been analyzed. Each unit is two story. Therefore, the floor/ceiling assembly need not be analyzed.

5.0 NOISE REDUCTION CALCULATIONS

The interior noise is a function of the sound transmission loss factors of each wall element. The areas of each element and the associated transmission loss utilized are given in the computer printout.

The transmission loss values noted are from personal measurements or from the literature. Interior noise values have been calculated for three conditions, windows closed, 10 percent of the window area open and windows closed with a typical vent opening. Note that some windows may have to remain closed to achieve the 45 dB or less interior level. In these rooms ventilation is required.

6.0 RESULTS AND CONCLUSIONS

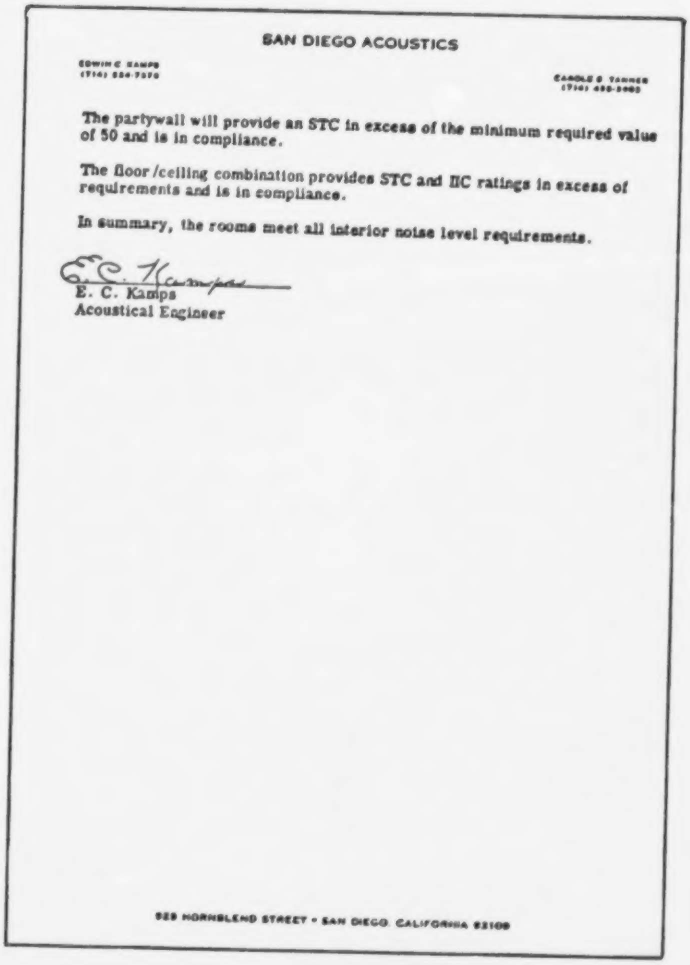
Unit	Room	FW	SW	W Door *	G Door *	Ext W	Other	FA	CNEL
1, 7, 8 & 14	LDK	0	24	20	40	380	-	286	62
	BR 1	0	24	-	-	240	-	126	62
	BR 2	0	15	-	-	153	-	108	62
	Bath	0	9	-	-	45	-	45	62
2-6 & 9-13	LDK	0	24	20	40	180	-	286	62
	BR 1	0	24	-	-	108	-	126	62
	BR 2	0	15	-	-	57	-	108	62
	Bath	0	9	-	-	45	-	45	62

* Use TL for 1/4" plate.

928 HORNBLEND STREET • SAN DIEGO, CALIFORNIA 92109

Exhibit 23 (continued)

Example of Acoustical Analysis Report



SAN DIEGO ACOUSTICS

EDWIN C. KAMPS
(714) [illegible]

CAROLE S. TANNER
(714) [illegible]

The partywall will provide an STC in excess of the minimum required value of 50 and is in compliance.

The floor/ceiling combination provides STC and IIC ratings in excess of requirements and is in compliance.

In summary, the rooms meet all interior noise level requirements.

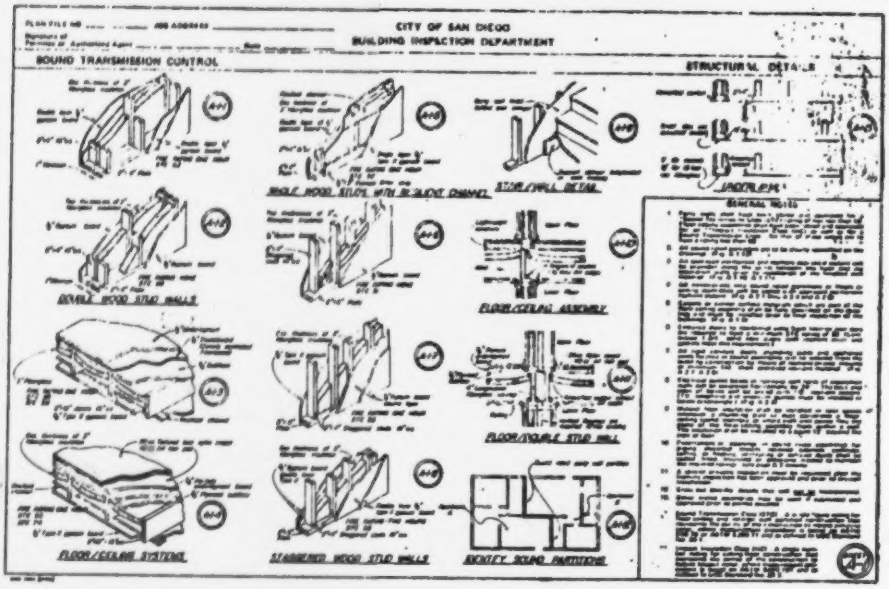
E. C. Kamps

E. C. Kamps
Acoustical Engineer

[illegible] HORNBLEND STREET • SAN DIEGO, CALIFORNIA 92109

Exhibit 23 (continued)

Example of Acoustical Analysis Report


PLAN FILE NO.
JOB ADDRESS
CITY OF SAN DIEGO
BUILDING INSPECTION DEPARTMENT
SOUND TRANSMISSION CONTROL
STRUCTURAL DETAILS
SINGLE WOOD STUDS WITH RESILIENT CHANNEL
STUD/WALL DETAIL
GENERAL NOTES
DOUBLE WOOD STUD WALLS
FLOOR/CEILING ASSEMBLY
FLOOR/DOUBLE STUD WALL
FLOOR/CEILING SYSTEMS
STAGGERED WOOD STUD WALLS
IDENTIFY SOUND PARTITIONS

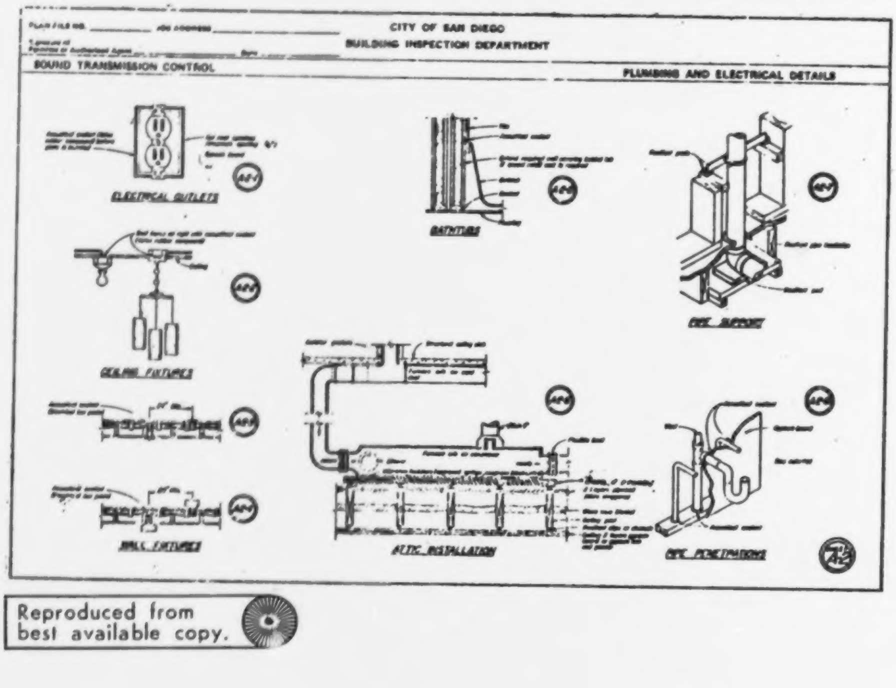

PLAN FILE NO.
JOB ADDRESS
CITY OF SAN DIEGO
BUILDING INSPECTION DEPARTMENT
SOUND TRANSMISSION CONTROL
PLUMBING AND ELECTRICAL DETAILS
ELECTRICAL OUTLETS
BATHTUBS
PIPE SUPPORT
CEILING FIXTURES
WALL FIXTURES
ATTIC INSTALLATION
PIPE PENETRATIONS

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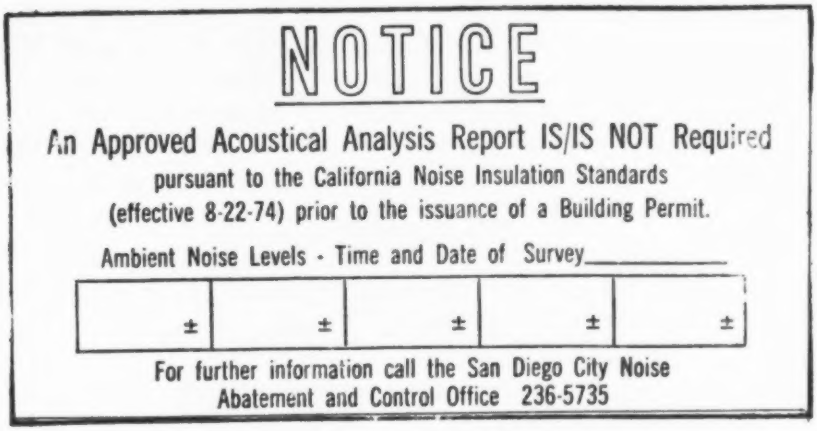
Exhibit 24

Approval or Disapproval Stamp
Used for Building Plans



NOTICE

An Approved Acoustical Analysis Report IS/IS NOT Required
pursuant to the California Noise Insulation Standards
(effective 8-22-74) prior to the issuance of a Building Permit.

Ambient Noise Levels - Time and Date of Survey__________

±	±	±	±	±

For further information call the San Diego City Noise
Abatement and Control Office 236-5735

The Aquatic Division, part of the Parks and Recreation Department, enforces watercraft noise limits under the California Harbors and Navigation Code. The Noise Office assisted the division's efforts by developing procedures to measure noise on boats, providing demonstrations, assisting in purchasing equipment, and setting up testing procedures. Now, the division carries out the work on its own, although the Noise Office is still involved in recommending changes from time to time. For example, the latest recommendation was to use a permit procedure in which a noise test is performed at the same time that the boat is certified for safety. The idea is to assist the division in the enforcement of the law, instead of taking over its reponsibilities.[51] (A newspaper clipping describing the work of the division is given in Appendix M.)

The Police Department was not involved immediately after the ordinance was passed; however, the Administrator made a special effort to work out enforcement procedures with them. This interface has proven to be effective in the enforcement of the ordinance.[52]

The procedure is as follows. When a complaint other than barking dogs is received by the police, a unit is dispatched, provided a vehicle is available and not engaged in a higher priority call. For example, the standing problem of university student parties is sometimes pursued by the police as well as by the Administrator. Police must decide whether to take action under the noise limits provisions or the public nuisance provisions of the ordinance. On the other hand, some noise problems, such as construction noise, are referred immediately to the Office of the Administrator. Overlapping and difficult problems are discussed with the Administrator. (Noise complaints which are made to the Administrator but are police problems are referred to the police. These include disturbances such as phantom motorcycle riders and noisy motor vehicles.)

Interface with police includes the following: The Administrator occasionally accompanies police officers in the field, about once a month. This includes, for example, monitoring noise levels of downtown bars, land parties, or fraternity houses. If the noise level is found to be too high, the police officer goes into the establishment and tells the owner to correct the noise situation.[53] The police also monitor open music festivals for authorized decibel limits (after a variance permit has been obtained from the Administrator and Parks and Recreation Department).[54] Occasionally, the Administrator and the Police Department also work together on construction noise from equipment operated before 7 a.m.[55] Sometimes noisy motor vehicle problems come up that also require the intervention of the Police Department; however, these are rare, since the California muffler requirements are strict and the California Highway Patrol works the freeways of the city at four locations.[56]

The Police Department seldom uses noise-measuring equipment in their enforcement efforts. Instead, if sound level measurements are required, the Noise Office is brought in for assistance. The police have become more willing to enforce the noise laws since they are able to deal in a definitive manner with problems. Thus, the Administrator backs up police cases with meter readings if requested. Also he has proposed the use of sound level meters by supervisors of patrol units. (To date, the courts have not challenged the readings of sound level meters.)[57]

In addition, other jurisdictions receive assistance from the Administrator in their noise-related programs. For example, the Miramar Naval Air Station Study utilized the services of the office. The Administrator served as chairman of the study which prepared and updated the land use strategy by defining Community Noise Equivalent Level contours from 60 to 80 decibels.[58]

The Administrator is likely to contribute in a study to update the existing ground transportation noise contours. The project involves the preparation of a Community Noise Equivalent Level prediction model, an extensive verification experiment, and preparation of a FORTRAN IV program to ensure that the system is useful to regional municipalities at the lowest cost. It is contemplated that such a model can be constructed with a high degree of reliability, because accurate records of traffic volumes on city streets throughout the region are accessible.[59]

The office has worked closely with the U.S. Border Patrol at the Riem Field Heliport near the U.S.-Mexico Border. Residents in the border area of San Ysidro petitioned Region IX of the Environmental Protection Agency about possible unnecessary use of helicopters by the Border Patrol. Residents are particularly annoyed by low-flying helicopters patrolling during the late evening and early morning hours for illegal aliens crossing into the United States. The city noise abatement staff reviewed standard patrol routes and schedules, in cooperation with the Border Patrol, for possible litigation. Written recommendations were then transmitted to the Border Patrol.[60]

The office is also involved in the recent Lindbergh Field (San Diego International Airport) noise variance case. The Unified Port District (UPD), operator of the airport, is required to obtain variance from the California Airport Noise Regulations (CAC, Title 4) each year until 1980 or until compliance is met. The Administrator's newsletter reported on this noise problem as follows:[61]

> The Noise Abatement and Control Board will be proposing that the City Council support the imposition of new conditions on the 1977 variance granted by the State. The conditions would include requirements for the UPD to disclose more information gained through its eight monitoring stations within the City of San Diego. In the past, the Port Authority has taken this low profile

position, presumably to avoid litigation. It appears, however, that this measure has not really protected the Port and at the same time has engendered public sympathy for those residents subjected to airport use noise. Should the Port Authority be required to disclose the information as proposed, the office would be greatly assisted in enforcing current state laws and advising planning staff of noise impact.

The City Council unanimously passed a resolution to act as Intervenor at the hearing in the San Diego Port District variance application to continue operating San Diego International Airport as a "noisy airport," pursuant to the Division of Aeronautics Regulations (CAC, Title 4).

The Port Authority has indicated recently that some additional information concerning Community Noise Equivalent Level contours from 65 to 80 decibels may be possible to prepare. It is hoped all areas of interest defined in the resolution can be negotiated with the Port Authority prior to the hearing. Representatives from the Environmental Protection Agency in Washington, D.C. and San Francisco have expressed interest in attending the variance application proceedings and appear to be sympathetic with the City and County's positions.

Case Studies

This section presents three case histories that provide additional insight into the enforcement and administration of the noise control program. The histories have been condensed, but the content has been left unaltered. All sound measurements were recorded on the A-weighted sound level scale.

Case I: Excessive Hospital Equipment Noise

This case involved a complaint filed against a city hospital located in San Diego. The hospital operated a central air conditioning system and a standby power unit that produced noise levels that exceeded San Diego City Ordinance levels. A formal complaint was filed with the Office of Noise Abatement and Control by residents of the area. Because the air conditioning system is operated virtually continuously, its A-weighted sound level should not exceed 55 decibels at the property line. A reduction of 17 decibels was required for compliance with the noise ordinance. The standby power unit was only operated (other than for emergency use) for 30 minutes per week between 7 a.m. and 7 p.m. Therefore, by law it could not exceed 65 decibels at the property line. A 22 decibel reduction was required for compliance.

On August 27, 1975, a formal complaint was registered against the hospital. The noise office performed an onsite investigation of the situation on September 5, 1975. The investigation was followed up by obtaining measurements on November 2, 1975. The hospital notified the office of its desire to apply for a variance, and a variance application was mailed on December 22, 1975.

During the next several months, a change in hospital administration caused some delays in the case. However, on June 17, 1976, the new hospital administration contacted the office stating its desire to comply with the ordinance. On July 6, 1976, the office mailed the hospital a letter explaining the procedures for obtaining compliance through a variance application, public hearing, and an acoustical analysis report. The hospital applied for a variance, and on July 8, 1976, public hearing notices were released on the hearing. On July 22, 1976, the public meeting was held and a variance was issued based on the abatement plans presented. A certified acoustical analysis report was received on August 12, 1976, and approved by the office. The hospital began its abatement procedures after notice of approval was received.

Case II: Barking Dog Complaint[63]

Another case involved a barking dog complaint. The initial complaint was received by the office on February 2, 1977. The accused was mailed an initial warning letter on February 3, 1977, describing the violation and additional actions to be taken if the situation was not corrected. A second complaint was received by the office on February 14, 1977. The office conducted an onsite investigation on February 25, 1977.

The onsite investigation revealed that a 4-month-old puppy was usually kept outside in a back yard. Because of the puppy's age, the field investigator recommended that the electric bark-training collar device not be used. However, use of the newly created hound collar was recommended as soon as the product was available. The defendant was further instructed to keep the dog inside the house. The accused informed the investigator that when the dog reached 6 months old, it would be taken to obedience training school. The accused was told that if another complaint was received, a hearing would be scheduled. Adjacent neighbors were polled and several supported the complaint. The complainant was apprised of the status of the case.

Between March 7 and April 18, 1977, four additional complaints were received about the dog. Another field investigation was conducted on April 20, 1977. The accused's daughter was contacted and informed of the dog problem. The daughter was very uncooperative and stated that other dogs barked in the neighborhood, too. The defendant's daughter was informed concerning the scheduled hearing. On April 26, 1977, hearing letters were mailed to complainants and the defendant. The hearing was held on May 11, 1977, but the defendant did not appear.

When he failed to appear for the scheduled hearing, the accused was notified by certified mail that further violations would result in criminal prosecution. Copies of this letter were mailed to all the complainants. The accused notified the office on May 20, 1977, that he was keeping the dog in the house and that the dog did not bark anymore. On June 2, 1977, another neighborhood poll was conducted as part of the office's follow-up procedure. A number of residents filed additional complaints concerning the barking dog problem. As a result, the case was forwarded to the City Attorney's Office for criminal prosecution. The owner was convicted.

Case III: Noisy Commercial Establishment[64]

Case III involved a commercial establishment located near a residential zone. During early morning operations, residents were disturbed by trucks loading and unloading, loud music, and yelling at the establishment. The initial warning was sent to the accused on September 1, 1976. On September 3, 1976, the accused notified the Noise Office that he was taking corrective measures to abate the disturbances. However, the complainant notified the office that the police had to be called to the premises at 3:03 a.m. and again at 6:20 a.m. on September 9, 1976. A field investigation of the premises conducted on that same day revealed that the truck loading problem had been resolved but that the loud yelling and music had not. The police were called to the premises again on September 13, 1976.

A hearing was held on September 22, 1976, concerning the noise problems, and the Administrator recommended that the business be relocated. On September 26, 1976, the Administrator contacted the defendant and notified him that further noise disturbances would result in prosecution and suggested that the defendant consider moving the business to a commercial zone within 30 days. On September 30, 1976, a request was received from the accused for an extension of the 30-day requirement. In addition, a number of complaints were also received that same day concerning early morning disturbances.

On October 5, 1976, the Administrator notified all complainants by mail that further legal action would be postponed pending the 30-day period for relocation or another noise disturbance in violation of the San Diego Municipal Code, whichever came first. Further complaints were received on October 28 to support evidence that the company had not moved or appeared to be considering moving. The case was prepared for criminal prosecution on November 5, 1976. The owner was convicted.

* * * * * *

These three cases demonstrate the philosophy and intent of the program's enforcement efforts. Obtaining compliance to the noise ordinance is the prime objective. The Administrator usually provides adequate time and assistance in aiding violators. It is not until all procedures have been exhausted through the compliance procedures that criminal prosecution actions are taken.

State of California Laws Enforced

In addition to having authority under the San Diego Municipal Noise Control Ordinance, the noise control office is able to enforce specific State noise control laws. A number of the preemptive State laws were enacted before the noise control office gained momentum. Initially, the office only enforced the city ordinance. As competence and knowledge in the noise control area developed, the office became aware of the preemptive State laws and became active in those specific areas of noise control. The State laws increased the office's spectrum of enforceability in noise control.

The preemptive State noise control laws enforced by the city are listed below.[65]

- The California Noise Control Act of 1973 established the Office of Noise Abatement and Control for the State of California. The law established the State's goals and objectives to aid and support cities in developing noise control programs and to protect the general welfare and health of State residents.
- The California Vehicle Noise Level Limits established manufacturing code limits.
- The California Vehicle Sound Level Limits established drive-by tests for measuring vehicle noise in actual situations on the highway. These are enforced by the Highway Patrol.
- The California Noise Planning and Land Use Act is basically a generic act and is responsible for the noise element requirements of general development plans.
- The California Motor Boat Noise Regulations are part of the Harbor and Navigations Code. The regulations established drive-by tests for measuring sound level limits emitted by watercraft.
- The California Regulation on Freeway Noise Affecting Classrooms was proposed by the Unified School District. The law requires an interior level of 45 decibels for classrooms.
- The California Noise Insulation Standard (Title 25) established the building requirement for interior sound level limits at 45 decibels, CNEL and for party wall construction not to exceed an STC of 50 decibels STC or an IIC of 50 decibels for floor to ceiling assemblies.[66]
- The California Noise Control Safety Orders established the California Occupational Safety and Health Administration and occupational safety requirements.
- The California Department of Aeronautics Regulations (Title IV) established sound level limits restricting the operation of airports within the State of California. This administrative code regulates the proprietor of the airport by restricting the community noise

equivalent level caused by the airport operation when it exceeds stated standards for land use compatibility.

- The California Noise Limits for Aircraft deals with entrance or access to airports by any supersonic aircraft. Specific regulations were developed to limit supersonic aircraft from landing in the state.

Equipment

The city of San Diego was quite fortunate to have the Navy's Acoustical Center and other easily accessible sources for obtaining equipment. The Navy was cooperative and sympathetic to the cause and efforts of the program. The city owned one sound level meter when the program started. Currently the city owns two time-averaging sound level meters, with printers and calibrators, plus two hand-held sound level meters. The city is planning to acquire additional equipment with time-integrating capability in the future. Although the equipment owned by the city is quite limited, the noise control office has been able to borrow equipment from various local sources such as the EPA Regional Office in San Francisco. The expertise of well-known acousticians and noise control related personnel of the local area has also aided the program's efforts.

Statistics of Enforcement[67]

The true extent and long-term beneficial effort of the noise abatement program in San Diego are apparent from the office workload data presented in Exhibits 25, 26, and 27.

The complaint registration program was developed with the enthusiastic support of San Diego residents. Although 85 percent of the cases represent complaints about dog barking, the Administrator has gradually been able to extend the scope of the program to cover virtually all noise making activities. These programs hold the promise of getting noise levels under control and making habitation pleasant in both urban and suburban surroundings.

In Exhibit 25, the drop from 7,700 complaint registrations to 2,320 complaints received is explained by the fact that complaint registration forms are utilized by citizens as a show of force. That is, when one resident is complaining to another resident about a particular noise, the complaint registration form is shown as evidence that in fact the office does exist and that there is a formalized procedure for registering noise complaints in San Diego. In some cases, it should be noted, complainants apparently change their minds about the worthiness of the problem to require a governmental agency to become involved. Complaining witnesses are asked to contact the person they are accusing before sending in the form. However, if for some reason they do not want to contact the party in question, the complaint is processed with the same dispatch as any other complaint. However, the complainant is asked to explain his or her reasons for this reluctance to

Exhibit 25

Estimated 1977 Workload Breakdown[68]

Complaint Registration	
Forms Mailed	7,700
Complaints Received	2,320
Field Investigations Conducted	1,247
Hearings Held	190
Court Appearances	30
Criminal Cases Filed	15

Exhibit 26

Breakdown of Complaints
Received by Types[69]

Barking dogs	85%
Music	5%
Early morning trash pick-up	2%
Early morning construction	2%
Roosters	1%
Motorcycles	1%
Miscellaneous (vehicle repairs, transformers, chanting, etc.)	4%
	100%

Exhibit 27

1977 Workload Breakdown Other Than Complaint Registrations[70]

Route Slips Completed	77
Consulting with Zoning Administration	
Land Use Review	Occasional
Review of Variances	Occasional
Home Occupational Permits Reviewed	2500
Consulting with Planning Department	
Environmental Impact Reports Reviewed	50
Environmental Quality Division	
Occasional Review of Impact Statement	Occasional
Transportation Department	
Noise Impact Analysis	35
Development of Computer Programs	Occasional
Building Inspection Department	
Building Plans Reviewed	600
Aquatic Division	
Work Out Noise Permit Procedures	Occasional
Police Department	
Complaints Received	Incl. above
Advise on Noise Matters	Occasional
Monitor Parks & Rec. Dept. Events	Occasional
Construction Equipment Noise	Occasional
Motor Vehicle Problems	Occasional
Recommendations, i.e., Use of Equipment	Occasional
Other Noise Related Programs	
Assisting Other Jurisdictions	Occasional
Ground Transportation Project	Occasional
Miramar Naval Air Station Study	Occasional
Lindbergh Field Noise Variance Project	Occasional
U.S. Border Patrol Project	Occasional

communicate. It has been the experience of the noise office that encouraging communication between neighbors has not only reduced the necessity for tax money investment in nonserious problems but has also gone a long way toward mending fences.

Approximately one-half of the complaints required field investigations; most complaints are solved before that step is necessary. Field investigations usually require about one trip to the site per case. Most noise complaints requiring field investigations are solved at the hearing stage, with only relatively few going to court.

The most advanced and well-established noise abatement program is with the Police Department. The Administrator has also put in numerous hours working with the police (because of the obvious overlap between noise and disturbance cases), which has resulted in cooperation between the two offices. The Environmental Quality Division, which prepares environmental impact reports used by the Mayor and City Council in making land-use planning decisions, is a frequent user of the services provided by the Noise Abatement and Control Office. This is understandable since the Administrator was once part of the Environmental Division, and successful noise control is in the best interests of the department. The program for noise control of boats has also been well developed, again requiring only occasional contact with the Aquatic Division.

Other programs such as noise reduction in buildings and noise level considerations in zoning are well underway. Approximately 600 building plans are reviewed each year, as well as 2,500 home occupational permits, plus all subdivision plans.

The most difficult noise problems to control are created by the military and by ground transportation. The first are caused mainly by activities conducted in the interests of national defense. Ground transportation presents a problem because the ambient noise level generated by traffic is often higher than the noise limit established in the ordinance. At this time there are no adequate solutions to these problems.

However, major projects are underway. The 35 cases indicated in Exhibit 26 represent only the most urgent and pressing cases of noise generated by traffic (and complained about). Ten cases have been challenged in court, mainly on litigation.[71] In some instances, there is no need to go to court because there are other effective ways of achieving compliance. For example, a construction company could be placed on the city's list of unapproved bidders, which enhances the likelihood of voluntary compliance with the ordinance.[72]

In summary, the enforcement methodology and effectiveness of the noise control program is directly related to the program's administration and philosophy. Enforcement procedures are activated through the compliance philosophy of the office, whether enforcement is accomplished by resolving registered complaints or by intergovernmental coordination and cooperation of city agencies involved in noise control issues. The Noise Office relies to a great extent on technology, research and development to resolve noise control issues and readily assists violators in achieving compliance. However, the Noise Office is also capable of enforcing the program quite effectively in court, which is exemplified by its conviction record. Although the program can effectively enforce the ordinance outside or inside the courts, it prefers to achieve compliance without punitive court actions. Therefore, the program measures its success by the number of cases in which violators voluntarily comply with the ordinance without going through costly court proceedings.

Budget

The purpose of this section is to present budgetary information on the operation, administration, and enforcement activities performed by the Office of Noise Abatement and Control. The noise control office works both directly and indirectly with a number of city agencies to effectively administer its program. Although city agencies such as the Zoning Administration, Planning Department, Transportation Department, and other appropriate agencies are involved in some aspects related to the administration and enforcement of the program, their budgetary information will not be presented.

The initial budget for the noise control office was approximately $25,000. This amount was for a 9-month period, and was used primarily for the payment of salaries. During this time the office was budgeted for minimal equipment acquisition. However, as the program developed and the needs of the program increased, so did its budget.

In fiscal year 1976, the total program budget was $44,078. Of that amount, $36,519 was appropriated for salaries and other personnel-related expenses. The remaining $7,559 was for equipment and nonpersonnel-related disbursements.

The following year's budget (fiscal year 1977) was approved for a total program amount of $55,300. Salaries and personnel-related expenses totaled $40,318; equipment needs and non-personnel-related expenses were $14,982.

The recently approved fiscal year 1978 budget is for a program total of $104,079. Salaries and personnel-related expenses total $84,897. The remaining amount of $19,182 is for nonpersonnel expenses and equipment acquisitions. The budget for fiscal year 1979 has not been developed or projected, but it is anticipated that this budget will include appropriations for salary increases comparable to the cost-of-living index and considerations for more equipment acquisition.

Presently, the Noise Office is budgeted for an administrator, an assistant, one investigator, and two clerical staff members (clerk typist and stenographer). The office is in the process of selecting an assistant administrator. From a staffing point of view, the office lacks sufficient manpower.

From a budgetary viewpoint, the operating budget seems to be sufficient, given the existing manpower, although a number of equipment needs are still unmet. However, within the existing budget and manpower, the office is administering an effective noise control program.

Program Evaluation

The San Diego Noise Control Ordinance was the starting point for the noise control program. The ordinance established an Office for Noise Abatement and Control with an Administrator to enforce the law. The office was established primarily to serve as a central place for registering complaints. However, little did anyone envision the complexity of the problem or the extent of the office's involvement in noise control.

When the noise control program in San Diego is analyzed or evaluated, the basic concepts and objectives of the program should be kept in mind. The noise control program was initially instituted to offer citizens a central place for registering complaints. In addition, the program was structured to control the level of noise in the city through compliance procedures and intergovernmental coordination. The short-range objectives or goals were being achieved through the compliance procedures instituted, whereas the long-range issues can be resolved only through interagency coordination and land-use planning. This chapter presents an evaluation of the accomplishments, unresolved issues, and future plans of the noise control program.

Accomplishments

The success of the noise control program may be attributed to the enforceability of the ordinance and to effective program administration. The tone of the program was set by a realistic ordinance that provided quantifiable and enforceable standards. The ordinance delegated the Administrator sufficient powers to effectively administer and enforce the program. Program goals are being achieved through an administration that displays a realistic and innovative attitude toward resolving noise control issues.

Since complaint registration was a major component of the program, public awareness had to be stimulated. Before the ordinance was passed, many citizens were unaware of the ill effects of noise, of what could be done to resolve noise disturbances, and where to go for assistance. The successful and continuing public awareness element of the program has educated citizens about noise issues and resolutions. Public awareness has served as a mechanism for achieving valuable feedback from those whom noise affects most--the residents of the city.

Before this educational process was instituted, most complaints were related to public nuisance noises. However, complaints are being registered today about early trash pick-ups, construction noise, amplified music, and other similar disturbances about which citizens had not previously voiced complaints. The public awareness that has been stimulated during the last 4 years has changed citizens' attitudes about noise and the way in which they deal with noise disturbances.

The stimulation of public awareness enabled the Noise Office to identify the short-range problems of the city. This identification of short-range problems enabled the Noise Office to develop and implement an effective system for resolving these issues. The method of compliance and the procedures established to achieve compliance have proven effective in controlling specific noise issues in the area. The system developed to resolve complaints through the office's research and development concept provides for effective enforcement by compliance procedures, rather than through costly punitive court actions. However, as discussed earlier in the enforcement chapter, punitive measures are used if violators choose not to comply.

Through the program, a framework has been developed for effectively coordinating other city agencies' efforts in noise control related to their specific activities or jurisdictions. Through this type of cooperation and coordination, noise control has become an issue in building inspections, transportation, zoning, land-use planning, environmental analyses, and in policy and decisionmaking. In a sense, the Noise Office supplies the needs of other city agencies as related to noise control.

In supplying this type of assistance, and through resolving short-range problems, the office has developed a considerable amount of competence. The actual ordinance is only a small portion of the total program. The research and development concept is much broader than the ordinance itself. The competence and credibility which the office now possesses have been obtained largely through its research and development activities.

Currently, the noise control program is performing other duties besides code enforcement. The program is involved in areas of noise control that were not envisioned during its conception. The program's short-range success has enabled it to get established and to develop competence in the noise control area.

In summary, the noise control program has been effective and successful in accomplishing:

- The development and continuance of public awareness about noise control and the effects of noise;
- The development and implementation of a framework to resolve short-range noise control issues or problems;

- The development and implementation of a framework to coordinate efforts of other city agencies in solving short- and long-range noise control issues and problems; and
- The development of competence in the area of noise control as related to enforcement of the ordinance, revisions of standards and quantitative requirements of the ordinance, land-use planning activities, enforcement of State noise control laws, and research and development activities.

In view of the accomplishments, the noise control program has provided the citizens with a means of controlling their immediate environment. Through the noise control program, citizens of San Diego have an opportunity to enjoy a quality of life that is in their best interest. Letters are often received from residents expressing their appreciation to the Office of Noise Abatement and Control for assisting them in securing comfort and peace. The noise control techniques and procedures developed by the noise control administration are of paramount importance to the quality of life the residents of San Diego are experiencing and to the program's continued success. In addition, the motivation of the Administrator has proved to be an invaluable asset to the San Diego noise control program.

Unresolved Issues

The San Diego Office of Noise Abatement and Control considers transportation-related issues and source regulation as the primary unresolved problems in the noise control program. The office views these issues as areas of noise control that are too complex for municipal involvement alone.

Noise control in the areas of transportation and source regulation could be greatly improved through technology and assistance from appropriate governmental agencies. The office considers these issues as national problems that could be alleviated by stringent regulation and labeling procedures.

The office strongly believes that a National Association of Noise Officials is needed as a unifying factor for municipal noise control. The success of any municipal noise control program usually lies with the knowledge and motivation of the individual responsible for the program. Few local budgets can afford the expense of transporting local noise officials to other jurisdictions for communication and information purposes. The result has been a lack of national direction in noise, especially at the municipal level. It is thought that such an organization would serve the needs of municipalities by eliminating conflicting municipal noise standards and methods of analysis.

Future Plans

The administration of the noise control program in San Diego is an on-going function. As the program continues in operation on a day-to-day basis, certain issues may surface that require policy decisions. The process of analyzing the program in this manner is quite important in determining the direction and activities the program will assume. This section discusses those projected future activities.

The Office of Noise Abatement and Control is based on the idea of providing assistance to those in need. This has been the office's underlying philosophy throughout the enforcement of the noise control program. The office plans to continue this type of enforcement philosophy to achieve future compliance. The Administrator will continue to delegate the rules, procedures, and policies his office has formulated to settle program problems effectively. In connection with this, the Administrator recommends that the Animal Regulation Department assume responsibility for the barking dog problem. The Noise Office feels that the Animal Regulation Department could administer and handle the problem more effectively, especially since the noise control office has developed effective solutions.

In the area of budgetary matters, the budget will probably remain at substantially the same level. Increases will be experienced as a result of salary increases and because of equipment purchases, but other than that, the budget is not projected to change appreciably.

The enforcement area of the program will probably see some increases. These increases will be experienced primarily by the Police Department. However, the cost increases will be more cost effective because there will be a way to handle problems. Changes in the ordinance will provide the police with more effective procedures for performing their duties.

The organizational and administrative structure will remain the same. Initially, the office was in the Planning Department. However, it was later placed in an operational agency of the City Building Inspections Department, to have more of an operational function than a planning function. This move expedited building plans. The placement of the office in an operational capacity as opposed to a planning capacity has enhanced enforcement efforts.

The Noise Office has been and will continue to be active in making noise control proposals to the State. Areas of active involvement include municipal noise regulations, aircraft proprietor noise regulations, airport land-use regulations, and source regulations.

As discussed earlier, the office plans to continue its publicity campaign in a similar manner. There will be additional cable television programs on noise, especially in the area of building inspections, how to make an enclosure for swimming pool pumps, methods of training barking dogs, and details on the enforcement of the ordinance. Aspects related to the effects of noise on humans will be presented to some degree during the continuing publicity program.

The Administrator views his role as increasing in the area of stimulating cooperation among other city and State agencies. Several local agencies have initiated efforts to write their own legislation. The issue of noise control is beginning to be dealt with more as a whole, and there is a great need to maintain effective cooperation.

The noise control office projects a need for more equipment. There will be a need to perform more octave band analyses in activities related to building construction. A need for a time-averaging sound level meter also exists in the category of equipment needed for projected activities. Also, an additional engineer is needed to solve personnel problems related to projected activities.

In analyzing past activities and defining trends in the noise control program, the Noise Office is able to resolve issues before they become major problems. This type of analysis and the use of innovative techniques by the Noise Office have proven to be an asset to the noise control program.

Footnotes

1. The quotation is from the EPA Contract No. 68-01-3845.
2. City of San Diego, It's A Big Problem, Public Service Announcement, Citizens Assistance and Information Department, May 1977, estimates San Diego's dog population at 180,000 (800,000 people). The District of Columbia's dog population is estimated at 70,000 (722,000 population).
3. Citizens Assistance and Information Department, City of San Diego A Guide to Your City Government, January 1977.
4. The San Diego Chamber of Commerce, Research Department, San Diego: A General Description, May 1976.
5. Ibid.
6. San Diego City Planning Department, City of San Diego, Population and Land Use Bulletin, September 1977.
7. Ibid.
8. City Planning Department, Census Tracts, City of San Diego and Vicinity (1975) and City of San Diego, Population by Race and Ethnic Origin--1975 Special Census.
9. See footnote 3.
10. Ibid.
11. Comprehensive Planning Organization of the San Diego Region, Demographic and Economic Forecasts for the San Diego Region, No. 7, November 1976.
12. See footnote 3.
13. James Gleason, Director, Environmental Quality Department, City Administration Building, City of San Diego, Recorded Interview, November 1, 1977.
14. Councilman Hubbard, City Administration Building, Recorded Interview, November 1, 1977.
15. Census Tracts and City of San Diego, Housing Inventory, Special Census, April 1, 1975. Approach angle and altitudes are calculated from information received from Bud McDonald, Airport Manager, in a Telecon November 23, 1977, and are based on the fact that 90 percent of the 110 daily arrivals are from an easterly direction and approach procedures whereby the

aircraft is at an altitude of 2200 feet 7 miles from the runway, descending at a 45 degree angle.

16. San Diego County Comprehensive Planning Organization, Attitude Survey, Citizen Attitudes of Planning Issues, July 1971.
17. Ibid.
18. Virginia Taylor, The Noise Abatement Control Board, County Operations Building, Recorded Interview, October 31, 1977, 10:30 a.m.
19. Ibid.
20. Ibid.
21. City of San Diego, Engineering Department, Conference Notes, San Diego Ordinance Meeting, Joint Staff Noise Task Force, May 30, 1973.
22. See footnote 18.
23. Ibid.
24. Schroeder, Stanley C., and Shipman, Thomas E. Citizen Opinions on Public Issues in San Diego. Copley International Corporation, LaJolla, California, June 1975.
25. See footnote 14.
26. Ibid.
27. See footnote 13.
28. James E. Dukes, Administrator, Noise Abatement and Control, Building Inspection Department, City of San Diego, Recorded Interview, October 31, 1977, 8:30 a.m.
29. Ibid.
30. See footnote 18.
31. See footnote 14.
32. Ibid.
33. Ibid.
34. Ibid.
35. See footnote 13.
36. John Reese, Chief, Civil Division, City Attorney's Office, City Administration Building, City of San Diego, Recorded Interview, November 1, 1977.
37. See footnote 28.
38. Ibid.
39. Ibid.
40. James Dukes, Administrator, Building Inspection Department, Noise Abatement and Control, City of San Diego, Recorded Interview, November 2, 1977, and Richard Procunier, Noise Representative, EPA Region IX, City of San Francisco, Recorded Hearing, November 3, 1977.
41. See footnote 28.
42. Ibid and see footnote 40.
43. Ibid.

44. See Appendix H.
45. See footnote 28.
46. Ibid.
47. Ibid.
48. Ibid and see footnote 13.
49. See footnote 40.
50. Ibid.
51. See footnote 28 and Appendix N.
52. Donald Davis, Inspector, San Diego Police Department, Administrative Section of San Diego, Recorded Interview, October 31, 1977.
53. Ibid.
54. Ibid.
55. Ibid.
56. Ibid.
57. Ibid.
58. See footnote 40.
59. San Diego Building Inspection Department, Noise Abatement and Control Newsletter, Administrator's Report, Volume III, James E. Duke, April 1977.
60. San Diego Building Inspection Department, Noise Abatement and Control Newsletter, Administrator's Report, Volume III, James E. Dukes, December 1976.
61. Ibid and San Diego Building Inspection Department, Noise Abatement and Control Newsletter, Volume III, Administrator's Report, James E. Dukes, February and March 1977.
62. Noise Abatement and Control Administration, City of San Diego, Noise Complaint Record No. 5143, Case History, Center City Hospital, August 27, 1975.
63. Noise Abatement and Control Administration, City of San Diego, Noise Complaint Record, Case History, Barking Dog at 322 Birdrock Avenue (La Jolla), San Diego, February 2, 1977.
64. Noise Abatement and Control Administration, City of San Diego, Noise Complaint Record, Bob Donaldson, "Rainwash Company", September 1, 1976.
65. See footnote 40.
66. California Administration Code, Title 25, Chapter 1, Subchapter 1, California Noise Insulation Standards, February 22, 1974.
67. The following represents sources for the text as well as Exhibits 25, 26, and 27. See Reference 36, 40, and 28 and San Diego Building Inspection Department, Noise Abatement and Control Newsletter, Volume III, Administrator's Report, James E. Dukes, January 1977.
68. Ibid.
69. Ibid.

70. Ibid.
71. Ibid.
72. Ibid.

APPENDIX A

Persons Interviewed and Other Sources of Information for the San Diego Case Study

- Persons Interviewed

October 31, 1977

8:30 a.m.
James E. Dukes, Administrator
Noise Abatement and Control
Building Inspection Department
City of San Diego
1222 First Avenue
San Diego, California 92101
(714) 236-5735

The interview with Mr. Dukes was conducted to obtain an overview of the present noise abatement and control program. His office is primarily involved in the development of noise regulations or standards, land-use planning policies, and enforcement of the noise abatement and control program. He views his office as a research and development center for controlling noise. His office seeks to solve problems through research rather than through stringent enforcement.

10:30 a.m.
Virginia Taylor, The Noise Abatement Control Board
Members of an earlier Noise Task Force and the Public at large. (For list of members, please see Attachment B and Attachment C).
County Operations Building
1600 Pacific Coast Highway
San Diego, California 92101
(714) 281-2428

The purpose of this meeting was to interview some of the initial persons involved in the early stages of the noise abatement program. The Mayor's Noise Task Force was established to assess the noise problem. This task force was structured to have a wide cross section of professional and non-professional backgrounds. This group offered three major elements which were thought to have gained them success in their noise abatement program: (1) a strong, active, dedicated small group with diversified backgrounds (i.e., medical doctors, acousticians, lawyers, businessmen, etc.) to spearhead an effort, (2) public awareness, and (3) enforceable legislation.

2:40 p.m.
Donald Davis, Inspector
San Diego Police Department
Administrative Section
801 West Market Street
San Diego, California 92101
(704) 236-6534

Mr. Davis in this interview presented his experience concerning the extent of police involvement in the enforcement of the noise abatement program. Mr. Davis's function in the noise abatement program is to serve as a liaison between his office and the noise abatement and control office. The police enforcement efforts are mainly in the areas of their ongoing operational duties as related to complaints received for loud parties or other similar loud disturbances. The Noise Abatement and Control Office is usually involved in matters that relate to complaints concerning construction noise or other similar disturbances. However, both the police department and the Noise Abatement and Control Office work together when noise control and abatement situations present themselves, such as monitoring continuously noisy offenders to aid the police department with quantitative backup data.

November 1, 1977

9:00 a.m.

James Gleason, Director
Environmental Quality Department
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-5775

Our interview with Mr. James Gleason was designed to obtain information on his involvement with the initial task force. Mr. Gleason felt the diversity of backgrounds on the task force was an important factor that led to the implementation of a successful noise abatement program in San Diego. He also felt the philosophy of the program to eliminate noise problems by compliance rather than stringent enforcement was another important plus for the program.

10:00 a.m.

Councilman Hubbard
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-6633

Councilman Hubbard was involved in the initial task force for noise abatement and control. This interview was structured to obtain information on Councilman Hubbard's involvement on the task force as a representative for the construction industry in San Diego. Councilman Hubbard provided valuable input to the task force on terminology, limitations of equipment, and other appropriate explanations as related to the construction industry. This type of input was considered useful for the task force in establishing its noise standards.

1:00 p.m.

Carol Sue Tanner, M.E., Acoustical Engineer
San Diego Acoustics
One Eleven Elm Street
San Diego, California 92101
(714) 231-8986

Ms. Tanner was a member on the initial task force and now owns and operates a noise related consulting firm (San Diego Acoustics). The interview with her was designed to obtain her experiences with the initial task force. Ms. Tanner explained how the initial effort considered the health aspects of noise abatement. As the efforts of the task force progressed, the program took on a more technical structure.

3:00 p.m.

John Reese, Chief
Civil Division
City Attorney's Office
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-6220

Mr. Reese was interviewed to obtain insight on how the City Attorney's Office is utilized in the noise abatement and control program. Mr. Reese is primarily involved in legal matters that the noise abatement program may encounter and when a noise case goes to court, he serves as the prosecutor. Mr. Reese provided insight into the legal aspects of the noise abatement and control program.

November 2, 1977

9:00 a.m. James Dukes, Administrator
Building Inspection Department
Noise Abatement and Control
1222 First Avenue
San Diego, California 92101
(714) 236-5735

This interview session served as a continuation of the initial interview with Mr. Dukes on October 31, 1977. Mr. Dukes provided us in this session with an overview of the noise abatement program from an administrative level. At the same time, he provided useful details on the operational aspects of the program.

1:30 p.m. George W. Orman
Senior Planner
City Planning Department
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-6480

The interview with Mr. Orman was structured to obtain socioeconomic and community planning information for the San Diego area.

2:30 p.m. Phillip Binks, Photographer
Department of Public Information
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-6019

Mr. Bink's Office was visited to obtain graphics and photographs of the San Diego area.

November 3, 1977

8:30 a.m. Researched information contained in the Noise Abatement and Control Office files.

The Noise Abatement and Control Program files were researched to obtain depth knowledge about the types of cases the office handles and their operating procedures.

10:00 a.m. Noise Abatement and Control Hearing

A Noise Abatement and Control Hearing was attended to obtain a working knowledge on the procedures and methods of its operations.

1:30 p.m. Richard Procunier
Noise Representative
EPA Region IX
100 California Street
San Francisco, California 94111
(415) 556-4606

James E. Dukes, Administrator
Building Inspection Department
Noise Abatement and Control
1222 First Avenue
San Diego, California 92101
(714) 236-5735

This session was utilized to exchange ideas on the noise abatement and control program. It also served as a means for EPA noise representatives and San Diego noise personnel. to discuss the noise problem and experience each has had. This provided a useful forum for the exchange of ideas and experiences related to the noise problem.

- Persons Contacted by Telephone or Information obtained from, please see Attachment A.

Attachment A

- Other Persons Providing Information

Bud McDonald
Airport Manager
San Diego International Airport
San Diego, California 92101
(714) 291-3900

John Wilbur
Chief Engineer
Unified Port District
3165 Pacific Highway
San Diego, California 92112
(714) 291-3900

Stewart Swett
Chief of Criminal Division
City Attorney's Office
202 C Street
San Diego, California 92101
(714) 236-6220

Michael Meedham
Assistant Environmental Management Coordinator
San Diego Unified Port District
3165 Pacific Highway
Room 750
San Diego, California 92112
(714) 291-3900

Thomas Frile, Chief
Environmental Management Coordinator
San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92112
(714) 291-3900

Robert Gales, Ph.D.
Acoustical Society (former President)
Naval Underseas Research and Development Center
San Diego, California 92112
(714) 225-6309

George W. Curtis, Inspector
Building Inspection Department
1222 First Avenue
San Diego, California 92101
(714) 236-6120

Marnie Cox
Economic Research
Chamber of Commerce
Center City Building
233 A Street
San Diego, California
(714) 232-0124

San Diego Convention & Visitor Center
Washington, D.C.
(202) 467-5958

George Story, Director
Citizens Assistance & Information
City Administration Building
202 C Street
San Diego, California 92101
(714) 236-6019

Randolph Hulbert
County of San Diego
Office of Environmental Management
1600 Pacific Highway
San Diego, California 92101
(714) 236-4717

Raymond V. Sacco, Supervisor
Noise Control
County of San Diego
Department of Public Health
1600 Pacific Highway
San Diego, California 92101
(714) 236-4717

John Wilbert
San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92112
(714) 291-3900

William Bamburger
Comprehensive Planning Organization of the San Diego Region
Suite 524
Security Pacific Plaza
1200 Third Avenue
San Diego, California 92101
(714) 233-5211

W. Malcolm Barksdale
Senior Planner/Urban Design
Comprehensive Planning Organization of the San Diego Region
Suite 524
Security Pacific Plaza
1200 Third Avenue
San Diego, California 92101
(714) 233-5211

Leslie Fox
Economic Development Corporation
1200 Third Avenue
Suite 416
San Diego, California 92101
(714) 234-8484

CURRENT MEMBERS OF THE SAN DIEGO COUNTY NOISE CONTROL HEARING BOARD

Ms. Willena Ann Beyer, Audiologist	Lemon Grove
Mr. Robert Gales, Acoustical Physicist, Naval Ocean Systems Center	San Diego
John A. Henderson, M. D., Vice Chairman & Otologist	San Diego
Donald F. Krebs, Ph.D., San Diego Speech & Hearing Center, Audiologist	San Diego
Mr. James Leland, Science related to Acoustics	Coronado
J. Peter Schroeder, D.V.M., Noise Research	Solana Beach
Ms. Ardetta Steiner, Citizen activist	Point Loma
Ms. Virginia W. Taylor, Research Analyst, Chair	San Diego
Peter R. Frank, Ph.D., Psychologist	Scripps Ranch

PAST MEMBERS OF THE SAN DIEGO COUNTY NOISE CONTROL HEARING BOARD

Ms. Carole Sue Tanner, M.E., Acoustical Engineer	San Diego
Mr. Frank Asaro, Attorney & previous Chair	San Diego
Capt. Robert Cantrell, M.D., Physician Medical School Chairman of Physical Medicine University of Virginia Charlottesville, Virginia	
Mrs. Esther Sims, Citizen activist	Poway

Staff for the Board include Edna Laine, County Clerk's office, Ray Sacco and John Melbourne of the County Health Department under Dr. Philip.

APPENDIX B

Noise Task Force Members

NOISE TASK FORCE MEMBERS

Virginia Taylor, Chairwoman
(Research Analyst)
2520 San Marcos Avenue
San Diego, CA 92104
281-2428

Benny Chien, M. D.
(Law Student) (USD)
415-1/2 Gravilla
La Jolla, CA 92037
459-9175

Robert Gales, Ph.D.
Naval Underseas Research &
Development Center
San Diego, CA 92132
225-7255

Phillip L. Gausewitz, M. D.
Pathology Laboratory
Scripps Memorial Hospital
9888 Genese
La Jolla, CA 92037
453-3400

William Goldie
(Medical Student, UCSD)
Office of Student Affairs
USCD School of Medicine
La Jolla, CA 92037
453-2000, Ext. 1926; 454-4708 (res.)

Francisca Haugh
IREM
1600 Pacific Highway
San Diego, CA 92101
236-2011

Owen Jensen
San Diego Speech & Hearing
Center for Occupational Noises
8001 Frost Street
San Diego, CA 92123

Ray Madson
1335 Orange Avenue
Coronado, CA 92118
435-6274/ 435-5857 (res.)

John Phelan
Environmental Law Society of San Diego
P. O. Box 99154
San Diego, CA 92109
295-0152

Lucy Pryde
(Environmental Chemist)
5377 Redding Road
San Diego, CA 92115
583-8966

Tom Saldin
Environmental Law Society of San Diego
704 Sunset Court
San Diego, CA 92109
295-0152

Dr. Robert E. Sandlin, Ph.D.
San Diego Speech & Hearing Center
8001 Frost Street
San Diego, CA 92123
277-1482

Maurice Schiff, M.D.
7255 Girard Avenue
La Jolla, CA 92037
453-1321

O. B. "Mike" Sholders
(Civil Engineer)
Sholders, Steen & Associates
3344 Industrial Court
San Diego, CA 92121
453-1321

Walter D. Sorochan, Ph.D.
Health & Safety Education
San Diego State College
San Diego, CA 92115
286-6457; 488-6703

Anthony M. Summers
Deputy Attorney General
Office of the Attorney General
Department of Justice
1350 Front Street
San Diego, CA 92101
236-7351, Ext. 7590

NOISE TASK FORCE MEMBERS

(Continued)

Carol Tanner
(Acoustical Engineer)
Hydrospace Research Corp.
1360 Rosecrans Street
San Diego, CA 92106
224-3235

Robert W. Young, Ph.D.
Naval Underseas Research &
Development Center
San Diego, CA 92132
225-6681

Maureen Smith
(San Diego County War Against
Litter Committee)
3380 Moraga Court
San Diego, CA 92117
272-7033

APPENDIX C

Minutes and Agendas of the Noise Task Force

- January 6, 1972
- February 25, 1972
- April 21, 1972
- August 9, 1972

COMPREHENSIVE HEALTH PLANNING ASSOCIATION
OF SAN DIEGO AND IMPERIAL COUNTIES

NOISE TASK FORCE MEETING

Thursday, January 6, 1972

PRESENT

Virginia Taylor, Chairwoman
Phillips L. Gausewitz, M.D.
William Goldie
Lucy Pryde
Maurice Schiff, M.D.
Walter D. Sorochan, Ph.D.
Anthony M. Summers
Carol Tanner
Robert W. Young, Ph.D.

STAFF

Daniel Gorfain

ABSENT

Benny Chien, M.D. (Excused)
O.B. Sholders

RESOURCE

Francesca Haugh, San Diego County Environmental Development Agency

GUEST

Arnold Klaus, Chairman, CHPA San Diego County Environmental Health Committee

INTRODUCTION AND BACKGROUND

Following self introductions by each of the Task Force members and others present, Mr. Gorfain briefly discussed the background of the Comprehensive Health Planning Association and the role of the Task Force with respect to the Association.

TASK FORCE SCOPE AND STRATEGY

Following extensive discussion, the Task Force agreed that it could not deal with the entire spectrum of the noise problem. It therefore chose to "isolate" some of the more tangible components of it as they pertain to San Diego and recommend solutions to them.

Specific areas the Task Force would like to consider are:

1. Establishing a speakers' bureau on noise in the CHPA;
2. Recommending a model noise ordinance for the cities and County of San Diego;

3. Recommending noise related policies to be included in the upcoming revision of the San Diego City General Plan;
4. Incorporating uniformly adequate statements of existing and projected noise problems in new subdivisions into the State Subdivision Public Reports;
5. Recommending necessary measures for private, commercial and military aircraft noise abatement;
6. Recommending necessary steps for abatement of noise associated with municipal services in residential areas, particularly garbage collection and street cleaning;
7. Investigating outside financial support for Task Force activities from private and public local, state and national sources.

The Task Force also expressed some interest in looking at vehicular noise, product noise and occupational noise.

In dealing with each of the above areas, the Task Force agreed to the following steps, drawing in as much as possible on existing data, and task force and local expertise:

1. Define the nature of the problem;
2. Define the problem in relation to San Diego;
3. Describe the health impact of the problem;
4. Identify responsible control agencies;
5. Analyze existing control laws (Federal, State and local) and identify strengths, weaknesses and gaps;

6. Develop alternative control strategies;
7. Identify strategies for action, including legal-legislative, voluntary compliance and community organization and education.

In addition to looking at the above areas, the Task Force agreed about the need to an overview statement of:

1. The noise problem in general
2. The health impact of noise
3. The San Diego noise problem and its components in order of their impact on health
4. A general strategy for noise abatement

STAFF ACTIVITIES

1. In accordance with the Task Force's desire to establish a speakers bureau, and the information about the program on Education for Environmental Awareness co-sponsored by the Sierra Club and the Center for Environmental Education on February 5-6, 1972, staff arranged to have Mr. Robert Gales of the Naval Underseas Research and Development Center to give a workshop on noise.

2. In pursuing a working relationship with the Integrated Regional Environmental Management Project of San Diego County, staff is negotiating with EDA at the latter's suggestion to have this Task Force act in an advisory capacity to IREM on noise.

3. The San Diego War Against Litter Committee has requested the appointment of Mrs. Maureen Smith to the Task Force. After checking with Mrs. Taylor and the CHPA Executive Director, Mrs. Smith has been added as a new Task Force member.

SAN DIEGO COUNTY
NOISE TASK FORCE
of the
COMPREHENSIVE HEALTH PLANNING ASSOCIATION

MINUTES

* * * * * * *

February 25, 1972

PRESENT	ABSENT
Virginia Taylor, Chairwoman	O. B. "Mike" Sholders
Benny Chien, M.D.	Anthony M. Summers
Robert Gales	Robert W. Young, Ph.D.
Phillips L. Gausewitz, M.D.	
William Goldie	**RESOURCE**
Lucy Pryde	
Maurice Schiff, M.D.	Francesca Haugh, S.D. County Environmental Development Agency
Maureen Smith	
Walter D. Sorochan, Ph.D.	Gordon Piper, S.D. City Dept. of Community Development
Carol Tanner	
STAFF	**GUEST**
Daniel Gorfain	Lt. Coleman, March Air Force Base, Riverside

Following preliminary discussion, the Task Force decided to pursue the following areas with assigned responsibilities:

1. Establishing a Speakers Bureau on Noise (Pryde, Gales, Schiff):

   The Task Force expressed an interest in community education and information at the school and adult level. It proposed that an announcement of speakers availability be sent out. Task Force members will send staff a list of groups who might be contacted.

2. Countywide Noise Ordinance (Chien, Summers, Young, Tanner, Haugh, Piper):

   It was agreed to develop a cooperative relationship with the City of San Diego through the Department of Community Development on recommending a noise ordinance which could then be promoted Countywide. It was agreed that the most critical part of developing such an ordinance is making it relevant and enforceable.

   A request for liaison with the City was sent to George Simpson, Director of the Department of Community Development.

3. Recommended Noise Related Policies to be Included in the Revision of the City of San Diego General Plan (Tanner, Haugh):

   Action on this is to be delayed until Mrs. Haugh's paper is done and more background information is assembled by the Task Force.

4. Adequate Statement of Existing and Projected Noise Problems in New Subdivision Public Reports (Summers, Staff):

   The Task Force will pursue the incorporation of adequate statements into all Subdivision Public Reports as a matter of policy by the State Department of Real Estate. Extent of noise may be calculated according to FHA's Noise Assessment Guidelines.

   The California Highway Patrol will also be consulted on vehicular noise levels and abatement efforts.

   Staff will obtain a copy of the Environmental Guidelines issued by San Diego Federal Savings.

5. Recommending Measures for Private, Commercial and Military Aircraft Noise Abatement (Gausewitz):

   Background information will be gathered about major airfied operations - Lindberg, Miramar, North Island to start - for the purpose of learning of what each is doing or might do to reduce community noise problems. The Airports and Land Use Commission (CPO, Lee Hultgren) will also be contacted to learn of what the Commission can do to abate the aircraft noise problem.

6. Abatement of Noise Associated with Municipal Services (Smith):

   This task aims at identifying the noise problem associated with providing municipal services in residential areas, particularly garbage collection and street cleaning, and recommending ways of abating it. Steps toward abatement may include revising working schedules, converting to quieter heavy equipment and requiring quiet garbage storage receptacles. Background information pertaining to the feasibility of these and other ways of noise abatement need to be collected.

7. Federal Noise Legislation (Taylor):

   The Task Force will be kept up to date on Federal Noise Legislation through Senator Alan Cranston's and Representative Lionel Van Deerlin's offices.

8. Noise Impact on Children (Schiff, Goldie, Gales):

> A paper will be drafted on the impact of noise on children. This includes both auditory and non-auditory noise. The paper will emphasize both physiological and psychological impact and be prepared in lay language so that it might be used for community information and education activities.

9. San Diego Noise Impact Map (Gales, Tanner, Sorochan & Students):

> The Task Force will investigate the feasibility of constructing a noise impact map for San Diego County and either proceed to start developing such a map or outline what is needed and who might do it, e.g., CPO.

Staff will be available to assist Task Force members to establish contacts and gather information pertaining to their tasks, including clerical help.

The Task Force will meet again at the end of March. Friday seems to be a good day. Task Force members will be contacted shortly about the next meeting.

NOISE TASK FORCE MEETING - CHPA - February 25, 1972 - 10 AM

Introductions by individual members; list of Resource and members by Dan Gorfain. (name tags?)

Virginia:

1. Specific areas established at meeting 1/6/72
    - a. Speakers Bureau
        Lucy Pryde and Bob Gale on Env. Ed. mtg. 2/3 & 2/5-6
    - b. Levels of speakers
        Elementary
        Jr. High
        High School
        College and University
        Post-graduate
        Statewide coalition
    - c. Lucy Pryde, Dr. Schiff and Dr. Young are on educational committee. Other resources?
    - d. Committee and VT testimony to MiraMesa Hrng 2/9
2. Model noise ordinance
    Need expressed in SD Attitude Survey 9/70 of about 4,000 residents of SD County
    64.7% responded "yes" to "Now thinking of noise pollution, that is loud or prolonged noises, do you feel threre is any type of noise pollution either in your own neighborhood or area or in any other part of SD County, or not?

    yet another definition!

    63% felt noise pollution in SD County as a whole is a "medium or large problem" - major causes by citizens were listed as combination trucks, motorcycles, cars, and airplanes had 61% vote.

    Discussion of Model Noise Ordinance material
        Ask Tony Sommers on how to proceed - legal.
3. Recommending noise related policies to be included in the upcoming revision of the SD City General Plan.
    - a. Specific priority areas:
        MiraMesa
        University City area
        5 points (adjacent to freeway)
        Sr. Citizen high rises (acoustical?)
    - b. Francesca Hauch - General Plan w/Carol Tanner

4. State Subdivision Public Reports -

5. Private, commercial and military aircraft -

6. Municipal services - new WALCO representative, Maureen Smith

7. Outside financial support - staff?

Reproduced from best available copy.

8. Discussion of material submitted by Task Force Members.
   Establish bibliography of material, and specifics of San Diego noise pollution.

   Compilation by?

9. How do we want to proceed on our goals:
   a. define the nature of the problem

   b. define the problem in relation to SD - Dr. Young?
      1) priorities in order of impact on health.
   c. describe the health impact of the problem

   d. identify responsible control agencies

   e. analyze existing control laws (Federal, State and local)
      Strengths:

      Weaknesses:

10. Ask Carol Tanner to speak at CHP Env. ECommittee meeting 3/2/72

11. Specific tasks clear to everyone?

COMPREHENSIVE HEALTH PLANNING ASSOCIATION
OF IMPERIAL, RIVERSIDE AND SAN DIEGO COUNTIES

NOISE TASK FORCE

Task Force Meeting
Friday, April 21, 1972
9:30 a.m. to 12:00 Noon
CHPA Downstairs Conference Room

A G E N D A

****

1. Review of progress on work assignments.
2. Position statement on noise policies to be included in the current revision of the San Diego City General Plan.
3. Review of CPO's proposed Noise Goals and Objectives for San Diego County. (Enclosure 1)
4. Date of next meeting.

NOTE: Please complete and return the enclosed postcard by Thursday, April 20, 1972.

NOISE TASK FORCE
OF THE
COMPREHENSIVE HEALTH PLANNING ASSOCIATION
OF IMPERIAL, RIVERSIDE AND SAN DIEGO COUNTIES

August 9, 1972

Next Meeting
Friday, August 25, 1972
9:30 a.m. - 12:00
CHPA
3211 Jefferson Street
San Diego, California 92124

AGENDA

****

1. Approval of minutes of July 21, 1972
   Enclosure 1: Legislative Bills AB 889, SB 1247, SB 1248, SB 1249, AB 2376.

2. Special Slide Presentation on the San Diego Plan for Air Transportation will be given and will focus on airport noise and navigation planning. It will be related to noise impact around the airports and state requirements...
   Guest Speaker: Lee Hultgren, Senior Planner, County of San Diego, SANPAT Manager
   Enclosure 2: SANPAT - Interim Report 2

3. Committee Reports
   a. Noise Abatement. .Phillips L. Gausewitz, Maurice Schiff
      "Aircraft Noise at Coronado"
   b. San Diego Noise Impact Map . . . . .Robert Gales, Carol Tanner, Walter Sorochan
      Enclosure 3: "Report on CSUSD Student Projects on Noise Pollution" by Walter Sorochan, Gail Spezer, Betsy Ferres, Lorraine Martinez, Janice Newberry, and Jacque Williams.
   c. State and Federal Legislation. . . . . .Virginia Taylor, Anthony Summers
      Enclosure 4: "Listing of members of California State Legislature"
   d. Countywide Noise Ordinance . . . . .Benny Chin, Anthony Summers, Robert Young, Carol Tanner, Francesca Haugh, Gordon Piper, Bill Waters (staff)
      Enclosure 5: "New York City Urban Noise Survey Method"
   e. Noise Policies related to General Plan . . . . . . .Francesca Haugh, Carol Tanner
   f. Speakers Bureau on Noise . . . . .Lucy Pryde, Robert Gales, Maurice Schiff, Eugene Horton (staff)

4. New Business
   a. "Survival School" report . . . . .Virginia Taylor, Anthony Summers
   b. News Media Information . . . . .Virginia Taylor, (staff)

5. Adjournment

EQ/NR Subcommittee
2/3/72

NOISE
PROPOSED GOALS AND OBJECTIVES
SAN DIEGO COUNTY

GOAL QUIET FOR THE REGION. Reduce the level of noise so that it causes no human stress or health damage, and does not interfere with any human activities such as sleep, work, play or thought.

OBJECTIVES

A. Aircraft

1. Lindbergh Field and vicinity.

   a. Alter frequency of operation and type of aircraft in order to meet state aircraft noise standards.

   b. Institute a 10:00 p.m. to 7:00 a.m. curfew for jet flights at Lindbergh Field to eliminate airplane noise during sleeping hours.

   c. Institute either a like curfew or noise muffling restrictions on engine testing at aircraft plants near Lindbergh Field.

2. Miramar Naval Air Station and other Military Air Facilities

   a. Rezone area within unacceptable noise zones for commercial and industrial development, allowing no new residences in these areas.

   b. Conduct all engine testing in indoor facilities which adequately muffle noise.

   c. Keep aircraft operations at a minimum by using airfields in unpopulated areas as much as possible, e.g. San Clemente Island.

   d. For the long-term, alter aircraft and training operations to be compatible with the urban environment surrounding Miramar.

B. Ground Vehicle Noise

1. Establish full-time vehicle noise enforcement teams within the California Highway Patrol for San Diego County.

2. Require motorcycles and off-road vehicles to be as quiet as automobiles.

3. Separate off-road vehicles from recreational activities that require quiet for enjoyment, such as hiking, nature study, sun bathing, etc.

C. Urban Development and Planning

1. Include a noise element in the general plan for the region and each jurisdiction, which would specify maximum noise limits compatible with various land uses.

2. Establish noise control requirements in the building codes and zoning ordinances of San Diego County and all cities.

NOISE TASK FORCE
OF THE
COMPREHENSIVE HEALTH PLANNING ASSOCIATION
OF IMPERIAL, RIVERSIDE AND SAN DIEGO COUNTIES

August 9, 1972

SUMMARY

INFORMATION ITEMS:

1. A review of the noise pollution reports by San Diego State University students was given by Dr. Walter Sorochan.

2. Legislative review report was presented by Anthony Summers. The following legislative bills are still being considered: (1) AB 889, and (2) AB 1248.

3. A progress report of air noise at Coronado and North Island was given by Rae Madson and Gregg Marshall.

NOISE TASK FORCE
OF THE
COMPREHENSIVE HEALTH PLANNING ASSOCIATION
OF IMPERIAL, RIVERSIDE AND SAN DIEGO COUNTIES

August 9, 1972

MINUTES

****

MEMBERS PRESENT

Rae Madson
Walter Sorochan
Maureen Smith
Tony Summers
Dave Potler
Fitzhugh Lee
Robert E. Sandlin
Jacque Williams
B. A. Longley-Cook
M. T. Longley-Cook

G. Marshall
W. K. Kirby
O. E. Jensen
Darryl Perlin
Reid Carroll
R. S. Gales
Maurice Schiff
Phil Gausewitz
Carole S. Tanner

MEMBERS ABSENT

Lucy Pryde
O. B. Sholders
Gordon Piper
Francesca Haugh

CALL TO ORDER

The July 21 meeting was brought to order at 9:45 a.m. In the unavoidable absence of Chairwoman, Virginia Taylor, Carol Tanner was elected to the Chair.

APPROVAL OF MINUTES

The minutes of the April 21 meeting were approved as read.

COMMITTEE REPORTS

Dr. Sorochan gave a review of the noise pollution reports undertaken by his Environmental Health students at San Diego State University, and in particular covered two studies:

* * *

PLEASE NOTE: The next meeting of the Noise Task Force is scheduled for Friday, August 25, 1972, at 9:30 a.m. in the CHPA Conference Room. Please return the enclosed postcard no later than Thursday, August 24, 1972.

* * *

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1. Gathering of noise contour maps of City & County airports-done in conjunction with Carol Tanner.

It was found that Miramar & Lindberg fields only had maps. Data and information was withheld from the student, particularly when they tried to calculate their own contours. Finally a survey of residents around Montgomery field was undertaken. The results were that temporary loud construction work was more aggravating than recurring airplane noise of short duration. Older people were willing to put up with noise. There were few complaints. Summary - people adapt to noise. One conflict with noise pollution is that it varies with the individual and the situation. The fact of noise does make a difference how people view it.

2. Nosie level evaluation.

Existing navy questionaire used: 102 people interviewed. Studies undertaken at Mission Valley Shopping Center, S.D. State East Cafeteria, and downtown. Results: 80-90 dBs most irritating, but varies with individual and circumstance. Noise was a distraction when people were working, but at play it could be overlooked. However, the amount was the criterion. Summary - people adapt.

The chief problem the students encountered was they were unable to pick up a noise meter immediately.

Dr. Sorochan summarized that the field work done by the students was excellent in sensitizing them to environmental noise. He felt, however, that before he asked for their assistance again, more structured projects should be worked out by the Task Force.

Discussion: How could the Task Force obtain a noise meter for the use of members and helpers. No conclusion was reached - lack of finances being the main reason.

Anthony Summers gave Legislative Review of Aircraft & other noise.

Assembly Bill 889, copy on file, was outlined. Extremely important to Task Force as it would necessiate every Environmental Impact Statement to cover noise in detail. Referred to assembly committee on governmental organization.
Senate Bill 1247, covering co-ordination of State activities, research to determine psychological and physiological noise, and dissemination of information to the public was unfortunately killed by Finance Committee. However, it is hoped that a version will become part of amended Assembly Bill 2376 (Z'berg).
Senate Bill 1248, control of noise Department of Public Health. It had second reading and will have a third reading at a later date. It related to "Noise standards for manufactured material other than motor vehicles and aircrafts."
Senate Bill 1249, noise insulation for dwellings. A minimum noise insulation standard. It is concerned with multiple dwellings and should also include single family dwellings. Discussion ensued on how such a standard could be enforced. Mr. Gales asked if any actual noise numbers had been quoted and it appears not. It was defeated but was granted reconsideration.
AB 2376 is in assembly, defeated on third reading but was granted reconsideration.

Tony Summers emphasized that citizens must band together and complain, or airports and such will take no action. Carol Tanner stated that it was the responsibility of local agencies to report if an airport is a noise problem, and if an airport has a problem it has to monitor

Dr. Sorochan requested what the Task Force could do to assist. Tony Summers replied that support of the Bills was important. A list of Senators and Assemblymen was forth coming and would be distributed to members.

Aircraft Report from Coronado

Ray Madson presented Progress Report of Air Noise in Coronado Map of North Island Air Traffic Pattern. Copies on file. So far CANACT have not made any progress with the Navy. The use of San Clemente, which would reduce the noise problem in the area, is from Monday through Friday only, and still the planes continue Touch & Goes (standard Navy practice is two runs as on an aircarrier) sometimes up till 11:30 p.m. on Runway 36. Property damage is being evaluated, and Hotel Del Coronado, Historic Place, is showing signs of noise wear and tear and there is fear for it structurally. A Noise Abatement Committee has been set up and will have its first meeting Wednesday, July 26, at 3:30 p.m. at Coronado City Hall chambers. The Task Force was invited.

Greg Marshall, who works for the Navy's Environmental Protection Study Group, was then asked to give the Navy's report on what is being done, and he felt that efforts were being made to reduce the noise pollution, but he pointed out that the group's job was to collect data only. It had no power to control, only monitor. The noise measurement procedures set up at North Island would eventually be used at all Navy Air Bases.

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APPENDIX D

San Diego Ordinance Publicity

SAN DIEGO ORDINANCE PUBLICITY

news release from the office of

JIM BATES

The City of
SAN DIEGO

Contact: Haines Remmey
236-6440

EMBARGO: For release anytime after news conference scheduled for 8:30 a.m., Tuesday, March 27, in the 9th floor conference room, City Administration Building

A sweeping revision of San Diego's noise ordinance was proposed today by City Councilman Jim Bates.

Bates said the measure is designed to control and abate noise which is detrimental to health, by establishing acceptable limits and providing penalties for violations.

"The present ordinance on the books simply is not adequate to enable the City of San Diego to cope with the growing problem of noise," Bates said. "I think the revisions will help prevent new problems while solving existing ones."

Bates said his interest in effective noise controls was prompted by increasing complaints to his office from citizens. "Generally, people seem most concerned about the annoyance factors of noise," Bates said. "However, studies point to major health problems which can result from excessive noise, and our primary concern is to protect loss to psychological problems."

Bates said the ordinance would:

1. Establish acceptable noise limits and relate these to a definable, measurable, standard.

2. Define noise levels which are injurious to the health and safety of residents of the City of San Diego.

3. Provide penalties for continued noise level abuse, and establish procedures for enforcement of provisions of the ordinance.

4. Place time limits on construction activities, including the use of equipment.

5. Establish allowable noise levels for specific land uses, relating these levels to the zoning structure of the City of San Diego.

6. Establish acceptable noise limits for recreation vehicles, transit buses and refuse compacting vehicles.

7. Establish acceptable noise limits for both aircraft and airports, and provide penalties for violation of these standards.

Bates said the major work in drafting of the ordinance for submission to the City Council was accomplished by members of the Noise Task Force of the Environmental Health Section of the Comprehensive Health Planning Association.

He said the group, chaired by Virginia Taylor, worked more than three months to prepare the legislation.

The Committee also included Maureen Smith, Robert Gales, Maurice Schiff, John Thelan, Robert Young, Lucy Pryde, Robert Sandlin, Walter Sorochan, Owen Jensen, Tony Summers, Carol Tanner, and "more volunteers than I can count," Bates said.

APPENDIX E

Public Notice

PUBLIC NOTICE

NOISE ABATEMENT AND CONTROL VARIANCE HEARING

A written application for a Noise Variance and a plan for abatement has been received by the City Noise Abatement and Control Office on January 31, 1978, to continue cement pipe manufacturing at Ameron Pipe Division, located at Mission Valley Industrial Park, Unit 4, Lots 10, 11, and 12; Mission Gardens Annex, Lot 2; and Record of Survey 5837.

The Noise Abatement and Control Administrator will consider this application in light of the plan for abatement at the Public Hearing on March 29, 1978, at 12:15 p.m., in the City Council Chamber, 12th Floor, City Administration Building Community Concourse, San Diego, California.

Following the hearing, the Noise Abatement and Control Administrator can approve, approve with conditions, or deny the application. The Conditions establish the way in which the property may be used, including such matters as acoustical attenuating barriers, times and durations of operation, and noise source to receiver distances.

This notice is being sent to all owners of properties and residents within 500 feet of any point on the Ameron property line which are in direct line of sight of the facility and to those persons who have expressed an interest in this matter. Any person may, (but is not required to) appear before the Noise Abatement and Control Administrator at the Public Hearing and be heard in support of or in opposition to the granting of the Noise Variance.

Further information may be obtained by communicating with the Noise Abatement and Control Office at 236-6088.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

JAMES E. DUKES
ADMINISTRATOR

np

APPENDIX F

City of San Diego, Engineering Department, Conference Notes
City Staff and CHPA Noise Control Task Force
- April 11, 1973
- April 18, 1973
- April 25, 1973

MEETINGS

CITY OF SAN DIEGO
ENGINEERING DEPARTMENT
CONFERENCE NOTES

DISTRIBUTION:
DATE FILE (2) PARTICIPANTS
DIVISION FILE

CONFERENCE REQUESTED BY: CITY STAFF & CHPA NOISE CONTROL TASK FORCE

DATE 4-11-73

LOCATION 7th floor, City Admin. Bldg.

TIME STARTED 3 p.m.

TIME ENDED 5:10 p.m.

SUBJECT Noise Control Ordinance

PURPOSE To produce a viable and enforceable ordinance

PRESENT (ORGANIZATION, TITLE)
Attendees CHPA; Virginia Taylor, Lucy Pryde, Carole Tanner, Owen Jensen.

City Staff: Ed Riccio, Coordinator; Don Detisch, Deputy City Attorney; Merrill Day, Airport Director; Captain R. M. Davis, Police Dept.; Gordon Murdoch, Building Inspection; Dave Potter, Planning, Jack Sarvela, Environmental Quality; H. B. Remmey, representing Councilman Jim Bates.

The meeting was called to order at 3 p.m. by Coordinator Ed Riccio.

CHP Sound Equipment. Referring to the item in the minutes of last meeting, Owen Jensen of the San Diego Speech and Hearing Center, further clarified the situation as follows: CHP actually has the use of this equipment for a 32-hour period once each quarter, so, although the authority is there, the ability is not.

SUBJECTS DISCUSSED - SUMMARIZE - INCLUDE PARTICIPANTS AND CONCISE STATEMENTS OF CONCLUSIONS, AND/OR RECOMMENDATIONS ON EACH SUBJECT.

Mr. Riccio opened the meeting with a review of the City staff meeting on Monday, April 9. He stated it was the consensus of the staff, all of whom had reviewed the proposed Noise Control ordinance, that the time allotted is not enough to allow finalization of the ordinance for presentation to the Council. Legal ramifications; preemptions; problems concerning the Port District (water craft, airport); and the general problems of administration must all be solved. There is a feeling that the Noise Abatement Officer might be part of an existing department - possibly the Environmental Quality Department - but this, too, is subject to revision as the problems are clarified by further discussion.

Mr. Remmey, representing Councilman Jim Bates who will introduce the ordinance, said it was his understanding that the Council expected an ordinance they could react to at the April 23 conference. He will double check on this.

Legal Ramifications. Mr. Detisch, reviewing pages of handwritten notes containing his comments on the ordinance, brought up the following major points:

Airport Noise. Possible preemption by State or Federal Government on this.

Advisory Board's Appointment. The Ordinance provision that this Board be appointed by lottery does not accord with the City Charter (Sec. 43), which provides that such Boards be appointed by the Mayor. He will research this point further. Term (6 months) may be too short.

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Noise Abatement Officer. Presumably, this person would be appointed by the City Manager, if non-classified; or by a department head, from a Civil Service list, if classified. Either route is possible - the latter takes longer. (Mrs. Taylor responded that the thing the Task Force wants most is to keep the position politically insensitive).

Appeals Board. Same comments as on Advisory Board. (The suggestion was made that the Appeals Board of the Environmental Quality Department might also serve for noise control.)

Enforcement. Mr. Detisch said enforcement powers must be determined. Are we envisioning one man with a citation book? Should responsibility for monitoring be given to firemen or policemen? (Owen Jensen said that the noise level of the City rises 1 to 1½ decibels per year; in 10 years it will be too high to live with - thus it behooves the City to take action now, while this danger to health can still be controlled). Will he have the ability to subpoena, as the ordinance indicates? The City Council has the ability to subpoena people to produce papers, and to some extent this power has been delegated to the Civil Service Commission; but whether it can be delegated on this scale is a question that demands more study.

Water Craft. Mr. Detisch said the Port District control of tidelands and its police powers make this a very touchy area. More study needed. A study shows that only 6 states have provisions for mufflers on water craft; California is not among them.

"Necessary Action to Abate Noise" - what does the Task Force mean by this? (Owen Jensen said a series of penalties was envisioned with shut-down of factories or other industries as an extreme measure. These penalties should not preclude the officer from seeking voluntary compliance).

"noise" vs. "sound." Mr. Detisch suggested this be standardized. (Carole Tanner said noise is subjective, sound objective; and that the Task Force agreed the phrase "sound source" would best indicate the offender).

Recovery of Cost (p. 7). Needs clarification.

Noise Abatement Officer to interpret and clarify. Mr. Detisch questioned the intent here. (Task Force said it was to avoid requiring public hearings on matters that were purely administrative.)

Adoption of Rules. After some discussion of ways of doing this, the Task Force decided that the rules could be adopted by resolution and incorporated in the ordinance only by reference (i.e., Environmental Quality ordinance and "Guidelines").

Insert "reasonable." On P. 8, Mr. Detisch suggested the wording "order owner of device to conduct such reasonable tests as are..." (Agreed).

40 decibels above ambient noise level in re: Aircraft. In answer to a question from Mr. Detisch concerning the reasonableness of the above, Task Force said our ordinance was more liberal than many others already in force. (Carole Tanner injected a minority opinion; she considers it fairly strict).

National Defense Superseded in re: Aircraft. Mr. Detisch said San Diego had a real problem here because of the military airports - Task Force agreed that City could not regulate noise of military aircraft.

Vehicle Noises. Mr. Detisch said the City was possibly pre-empted by the State Vehicle Code. An article from the newspaper, detailing Attorney-General's opinion that City cannot regulate vehicle noise was shown to Task Force members. Captain Davis of the Police Department said there was no problem in his enforcement of the code, except that he did not have enough manpower to cover all areas. If sound-measuring equipment is furnished the police, and more manpower is afforded, that department can enforce noise control under the State provisions.

Mr. Detisch had other points to be clarified - but, due to time limitations, suggested that he provide a draft of his remarks to the Task Force and to City Staff for consideration.

Course of Immediate Action. The Task Force offered to meet at any time with City staff, to speed action. Mr. Detisch said he felt he would need at least 30 days to thoroughly research the legal points.

Merrill Day Presentation. Mr. Day said the State had indeed pre-empted the City in this field, and, that, moreover, according to State standards the City of San Diego itself has no problem: Montgomery Field and Brown Field meet the standards, and Lindberg Field belongs to the Port District. He said he feels Federal standards will pre-empt the State. FAA standards already control airplanes in flight. To work out our noise problems we will need cooperation from Port District, County, State and particularly the military. Land use and zoning will help because only by doing this can we keep people from moving directly into the noise pattern. These are two moves we can make now but not in this ordinance. It is very important that anything that is adopted be enforceable - to adopt an unenforceable ordinance only erodes respect for government and all agencies become suspect. (Owen Jensen also spoke on noise zoning and restrictions on land use around airports as a focal point of noise control).

Port District Monitoring Plan. Carole Tanner asked the status of this; Ed Riccio said he would find out and let her know. (Mr. Day said to contact John Wilbur).

Amendment of Community Plan. It was agreed that some community plans should be amended to restrict residential areas which would fall into high noise levels (University Plan is already being amended on this point).

Division of Highways Letter. Mr. Riccio passed around a letter from the Division of Highways, which enumerated the many examples of noise which must be allowed during night hours when the State had to work.

Education. Mrs. Taylor said the education of the public is the most important aspect, and an ordinance on the books would be better than none. Perfection could come later - the important thing is to get moving.

DECISION. After much discussion, City staff and Task Force agreed that:

A completed ordinance, ready for action, cannot be submitted to Council by the April 23 deadline;

A complete legal opinion can be prepared by Mr. Detisch (possibly) by that time;

Incorporated in our report will be a request for 30 to 45 days more time in which to come up with a viable ordinance.

City staff and Task Force will continue to meet as often as possible to work out details.

Mr. Riccio will attend the Task Force meetin on April 12 to explain City staff's problems.

Next joint meeting will be Wednesday, April 18, at 3 p.m., 7th floor conference room, City Administration Building.

Respectfully submitted,

LoVerne Brown

LoVerne Brown, Secretary

MEETINGS

CITY OF SAN DIEGO ENGINEERING DEPARTMENT CONFERENCE NOTES	DISTRIBUTION: DATE FILE (2) PARTICIPANTS DIVISION FILE	
CONFERENCE REQUESTED BY: City staff - Joint Meeting with CHPA Noise Task Force	DATE 4-18-73	LOCATION 7th floor, CAB
	TIME STARTED 3 p.m.	TIME ENDED 5:30 p.m.
SUBJECT Procedure on ordinance	PURPOSE To prepare viable ordinance for Counci	

PRESENT (ORGANIZATION, TITLE)

From CHPA: Maureen Smith, Rae Madson, Lucy Pryde, Carole Tanner, Walter Sorochan, Bob Ellenwood, Owen Jensen.

From City staff: Ed Riccio, Coordinator; Jack Sarvela, Environmental Quality; Dave Potter, Planning; Gordon Murdoch, Bldg. Inspection; Inspector R. M. Davis, Police; Don Detisch, City Attorney (Mr. Detisch did not attend the first hour of the meeting).

From Councilman Bates' office: Haines Remey.

Councilman Bates, and a volunteer student worker on noise control, Miss Barbara Ernisse, arrived at 5:05 and remained for the rest of the meeting.

SUBJECTS DISCUSSED - SUMMARIZE - INCLUDE PARTICIPANTS AND CONCISE STATEMENTS OF CONCLUSIONS, AND/OR RECOMMENDATIONS ON EACH SUBJECT.

Mr. Riccio called the meeting to order at 3 p.m: The following subjects were discussed:

CHPA Meeting of April 12. Mr. Riccio said he enjoyed attending this meeting, which Mr. Remey also attended, and was pleased to witness the efficient and effective way with which the committee worked. He said the City owed a debt of gratitude to all members of the task force for getting the noise control ordinance to the stage in which it now is. City staff will now apply itself enthusiastically to the task of making it what we all look forward to - an enforceable ordinance.

In answer to the question "When can we go to Council with an ordinance?" Mr. Riccio stated that the goal was a noise abatement program of which the ordinance would be an integral part, and City and CHPA were in agreement on most items; however, the duties of the noise abatement officer, the appointment of the appeals board, and certain matters of pre-emption were still to be addressed from a legal standpoint.
At present, it would probably be 30 days before Mr. Detisch would have an ordinance in draft form, with all these legal problems solved.

Placement of Noise Abatement Officer. The Task Force expressed general agreement with the City's view that the N.A. officer should be a classified employee of the City and assigned probably to the Environmental Quality Department.

Mr. Remey suggested, and those present agreed, that by making this a staff position, akin to Zoning Administrator, it could function in an

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independent capacity and remain free of political sensitivity.

Appeals Board. CHPA personnel remain strongly in favor of the lottery process if a legal way can be found. (Arriving later, Don Detisch said that it might be possible to draw a panel of names by lottery and let the Mayor make his appointments from that panel).

CHPA prefers a separate Appeals Board, not assignment of noise control appeals to the EQD Appeals Board.

Port District Involvement. Ed Riccio said he had talked with John Wilbur, Port Engineer, and learned that they had prepared plans and specs and were calling for bids April 29 on eight monitoring stations, which would check jet noise - 2 on line of flight, one at Point Loma, others along various strategic points of the field border. Monitoring equipment will be placed on existing utility poles, 10 feet above the highest adjoining building. Decibels allowed - 75. Wilbur will send an updated report on this project after bids are opened.

(Don Detisch arrived.)

Police Functions to Continue. It was generally agreed that the functions now assigned to police should continue to be theirs, but CHPA would prefer certain items added to the list of unnecessary noise makers (Mr. Detisch said these things could be salvaged from ordinance).

Inspector Davis approved this concept and said he was preparing a report on manpower needed if the noise control ordinance now on the books was to be strictly enforced by use of monitoring equipment.

Owen Jensen said he felt such items as burglar alarms and ice cream trucks should require a check for noise levels.

Mr. Remey said it seemed that the cut-off between police function and Noise Abatement Officer function would depend on whether police power or purely administrative law was involved.

Legal Ramifications. Answering questions from CHPA staff, Don Detisch made the following comments: In principle the approach utilized in the proposed Noise ordinance is legally feasible; however, there are problems to be ironed out.

He has been in contact with EPA offices in San Francisco and has discovered they are at least a year away from having any standards developed. He asked if the standards included in the ordinance are substantially the same as those now being considered by EPA; he was assured they were.

Carole Tanner added to this that she expected the City ordinance standards to be stricter than those finally adopted by the Federal government. Dr. Sorochan said that if any conflicts developed, a clause in the ordinance could accommodate any needed adjustment - what we need is our ordinance now.

Detisch (continued).

While the Board must be appointed by the Mayor, the ordinance could stipulate what disciplines should be represented on the Board (if it were not done by lottery). The matter of whether or not it could be done by lottery, with the Mayor appointing from a panel prepared in that way, requires more research.

The Noise Abatement Officer has been assigned some duties in the ordinance that are subject to research. Does he have police power? Would he have peace officer status? These are powers our Zoning Administrator doesn't have, and they may not be needed.

No word has been received in the Burbank case.

A noise convention is being held in Washington, D.C. April 29, (Ed Riccio interjected that he earlier had planned to go but had considered further that Bill Harrington, our "man in Washington", could collect all the information needed, and his time might better be spent here, working directly on the ordinance).

Watercraft control can be worked out. The Port District has a rule against sirens on boats.

Time Schedule. CHPA people pressed for some definite answers on a time schedule. Don said it would take him 30 days to work out the problems, and a draft ordinance for their consideration, if they wished this. (CHPA said they very much wanted an ordinance they could look at and evaluate).

Certification and registration of equipment (see p. 10). Ed Riccio said he objected to making the Noise Abatement Officer responsible for inspecting and certifying equipment; that this should work on manufacturers' standards, with equipment that met noise standards being required.

Owen Jensen said the word "may" in the ordinance did not make this necessary but gave the officer this power if he wished to exercise it.

Don Detisch said he would have to check whether this could be done under California and City law.

What Goes to Council Conference on April 23. Don Detisch said he would have ready a Report to Council dealing with the legal problems and asking for further time in which to draft an ordinance. He feels 30 days is the minimum time needed.

Ed Riccio said a manager's report, being prepared in the EQD office, would accompany the Attorney's report, and would present a time schedule.

CHPA said they would like 15 days to consider and possibly modify the draft ordinance before it went to Council conference - this would mean 45 days from April 23.

During this time, CHPA might hold public meetings to get input and to prepare the public for the ordinance.

Noise Attenuation. Ed Riccio said that Gordon Murdoch (who had to leave early) had prepared a report on the inclusion of this item in the Building Code

CHPA and City staff agreed this could be done, and that it could be referred to in the ordinance by reference only.

(Councilman Bates and student worker Barbara Ernisse arrived).

Time Schedule. The following tentative schedule was set up (actual dates were filled in after the meeting, based on number of days assigned)

April 23 - Status report to Council Conference.

May 23 - Draft of ordinance distributed to CHPA and others for review and comments.

June 6 - Completion of Review - this period to include public meetings set up by CHPA to get additional input.

June 21 - Ordinance presented to Council.

July 5- Ordinance hopefully adopted by Council, in which case, on

August 5 - Ordinance would become effective.

Meeting was adjourned at 5:30 p.m.

LoVerne Brown, Secretary.

ENGINEERING DEPARTMENT CONFERENCE NOTES		DATE FILE (2) DIVISION FILE	SAN DIEGO ORDINANCE MEETINGS
CONFERENCE REQUESTED BY: Joint Meeting - City Staff & CHPA Noise Task Force Committee		DATE 4-25-73	LOCATION 3 p.m. 7th fl., CAB
		TIME STARTED 3 p.m.	TIME ENDED 5 p.m.
SUBJECT Revision of Ordinance		PURPOSE Present viable ordinance to Council	

PRESENT (ORGANIZATION, TITLE)

From CHPA: Virginia Taylor, Coordinator; Maureen Smith; Dr. Horton.

From City Staff: Ed Riccio, Coordinator; Paul Schankerman, Health & Safety Office; Herb Eike, Lt., Police Department; Dave Potter, Dave Smith, Planning; Merrill Day, Airports; Gordon Murdoch, Building Inspection.

The meeting was called to order by Mr. Riccio at 3:10 p.m.

The following subjects were discussed:

SUBJECTS DISCUSSED - SUMMARIZE - INCLUDE PARTICIPANTS AND CONCISE STATEMENTS OF CONCLUSIONS, AND/OR RECOMMENDATIONS ON EACH SUBJECT.

Review of Council Actions of April 23. Mr. Riccio distributed copies of his Report to Council, and also of the Report to Council by Don Detisen, and stated that Council had accepted these recommendations exactly as presented. The joint City staff-CHPA Task force personnel are now charged with coming up with an overall noise abatement program, of which a noise control ordinance will be an integral part. The matter of noise attenuation is referred to the Building Inspection Department to develop a separate ordinance, which will be incorporated in the general noise control ordinance only by reference.

Public Input. Mr. Riccio said he will comply with the request of CHPA representatives that he mail out copies of the draft ordinance, when ready, to various environmental groups in the City. He also suggested that CHPA follow Councilman Bates' suggestion and hold a public meeting. It was also suggested that representatives of the contractors, and of the Chamber of Commerce, be invited to our May 9 meeting, and that the meeting be held in a larger room so that other interested persons might attend.

Meeting at California State University. First reaction of BCA was - how can we keep such an ordinance off the books? However, after some discussion, and some assurance that the draft ordinance would be made available to them for review, they agreed to cooperate. Dr. Brahtz plans to hold a seminar at the end of May at California State, to discuss the problems of noise control, and out of this may come a public education program on noise abatement.

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Noise Element of General Plan. Dave Potter, who is working on this project, said input is still forthcoming from the railroads, and probably won't be ready until August or September. The plan will not come out until after that time.

State Guidelines. It is still very uncertain as to when this data will be made available. However, the ordinance can be so worded that it can adjust to State guidelines without the need for amendment.

Attendance at Washington Conference. Don Detisch will be representing the City at the N.O.I.S.E. conference in Washington, D.C. this weekend, and will report the results at the May 9 meeting.

Health and Safety Data. Paul Schankerman, representing this department of the City, stated that data is available on various noise levels (airplanes, motorcycles, equipment) so far as it relates to the operator, but he does not have too much data on what affects the listener 50 feet away. This data, however, is available to CHPA staff from other sources. Mr. Schankerman displayed a sound levelmeter (approximately $400) and a calibrator (same price) which he uses to test operating machines. The sound-level meter indicated the level of sound in our meeting-room, when no airplane was overhead, was about 48 decibels; when someone was speaking, about 63.

Possible Interest Groups. In addition to environmental and business groups, it was suggested the following special interest groups might wish to attend the public meeting: Motorcyclists, boat-owners, rock-and-roll bands. It was suggested that some way be found - public relations, -- television coverage - to make everyone aware the law was for his protection; this, it was agreed, would avoid 80% of any future trouble.

Sound Trucks, etc. Lt. Smith said control of nuisances such as this was in the hands of the Police Department and generally well handled. Mr. Riccio said the number of permits issued for sound trucks had declined from 50 in 1971 to 2 in 1973 so far for businesses and 28 in 1971 to 1 in 1973 so far for non-business activities. Lt. Smith said the non-commercial sound trucks were referred to 20th & B, where dial settings were recorded for permissible levels. They also receive special instructions - they cannot go less than 10 miles per hour, stop more than 1 minute without turning off the sound, and cannot invade the business district at any time. Sound trucks used in parks are given permits by the Park and Recreation Department.

Injurious to Health Signs. It was suggested that signs might be required at rock-and-roll concerts, etc., stating that "this may be injurious to your health," just as on cigarets.

Next Meeting. The next meeting of the Joint City Staff-CHPA Task Force will be held May 9, at 3 p.m., in a room to be designated later. Agenda will be mailed.

Respectfully submitted,
LoVerne Brown, Secretary

APPENDIX G

A Representative Sample of a Newspaper Article Educating the Public Concerning Noise

DAMAGE GROWS

Body Reels In Barrage Of Noises

UNION JAN 2 - 1977

By LEIGH FENLY
Staff Writer, The San Diego Union

It doesn't take much to figure out that the world is getting noisier and noisier.

The urban dweller's home environment is like a 4-track sound system with disposal grinding in the kitchen, television blaring in the living room, saws buzzing in the garage and Junior revving up his motorcycle in the driveway.

By some extreme estimates the sound level is climbing at a rate of 10 per cent annually, enough to make us all deaf by the year 2000.

The ear is a marvel of adaptation, giving us a unique 360-degree contact with the world, but its evolutionary development just can't cope with today's noisy world.

Damage to the inner ear is caused by noise assaults of high intensity over long periods of time. The damage is irreversible.

Yet as hazardous as noise may be to the ear, its effect on the body in other ways may be even worse.

Evidence Is Controversial

The evidence is controversial but some researchers have found that people who work around high level sounds are more aggressive, distrustful and irritable than their counterparts in quieter environments. Loud noises have been said to contribute to marital disharmony and even divorce.

A study conducted at San Diego's Naval Hospital by Robert W. Cantrell, now at the University of Virginia, Charlottesville, even connected a rise in cholesterol level to loud, high-pitched noises.

Just like the ear, the body has not evolved to the point where it can adapt to distracting noise levels. Even though the mind operates a sanity-keeping mechanism that helps mask out noise, the body is still responding as it would to other kinds of stress. Blood pressures rise; hearts pump faster; blood vessels constrict.

But perhaps even more worrisome is the evidence that noise effects the learning patterns of children. Several years ago a team of researchers tested 54 children in grades two through five who had lived in a New York City high rise for four years or more.

As might be expected noise levels at the top of the building were lower than those at the bottom. But the team also found that children on the lower floors scored lower in reading skills and in their ability to understand speech than those living on the upper floor.

San Diego's noise levels are less concentrated than New York's because of the urban sprawl. We have the wide open spaces, the soothing beat of the ocean surf, the silence of sunshine and the pleasing sounds associated with year-round recreation.

Noise Heard Here

We have our fair share of discordant noises too: the whir of the freeway traffic echoing through the canyons of Mission Valley, the clatter of construction — everywhere — and the ear-splitting shatter of planes swooping low overhead.

But, San Diegans, take heart.

Nationally known experts say noise is recorded more precisely and at longer and more adequate levels here than anywhere else in the world.

And, if it's any consolation, our noise is in better control than in most U.S. cities.

Some of the credit is due to the work of the San Diego Noise Abatement and Control program which was formed along with a noise abatement ordinance in 1973. Since then, the office has prosecuted and won 30 cases. It has clamped down on the owners of barking dogs, required owners of noisy swimming pool pumps to build "hush houses" around them, and halted the Hare Krishnas' daily 4:30 a.m. chanting.

ROCK ARENA

Now they are entering the rock concert arena.

In August, ZZ Top, that "little ol band from Texas", performed in the San Diego Stadium for 22,000 fans and scores of others who unwillingly heard the concert while sitting in their living rooms.

The noise abatement office says ZZ Top's musical strains probably reached 130 decibels that day, which is something like standing next to a bulldozer at full throttle.

For comparison, football games in the stadium, complete with the roar of the crowd, average only 80 decibels, according to the abatement office.

SMALLEST CHANGE

A decibel is a measure of sound energy. Within a limited range one decibel is the smallest change in sound that the human ear can detect. The leaves rustle at 12 decibels; ordinary conversation is carried on at 45 decibels; a heavy truck rumbles by at 100 decibels; a riveting machine hammers away at 120 decibels.

It was after the concert that complaints motivated the noise abatement crew to stage its own concert with accoustical tapes, speakers and noise measuring devices to test how noise travels away from the stadium.

The upshot of the test, if agreed to by the City Council, is that future rock groups who play at the stadium will probably have their electrical (which translates into accoustical) power controlled. San Diego would then become the first city in the country to restrict the volume of sound made by rock groups.

UNUSUAL CASE

ZZ Top was an unusual case for the noise abatement office which handles 12,000 complaints a year. Sixty per cent of them come from people complaining about barking dogs.

James Dukes, administrator of the noise abatement program, has begun to recommend the use of an electric collar which gives the dog a shock in the voice box when he barks. Eventually the dog learns and the collar is no longer needed.

Continued

UNION JAN 2 1977

Now Noise Pollutes City Living

"The owner can decide between a $40 collar or a $500 fine," quips Dukes.

NOT INCLUDED

Other noise irritants are more difficult to deal with. San Diego's greatest noise problem, Lindbergh Field, is not in the noise abatement office's jurisdiction. Miramar Naval Air Station is. As a result, jets from there now make a skewered s-shaped takeoff to bypass residential areas.

Noise pollution is indeed becoming a priority problem.

The Environmental Protection Agency estimates that more than 16 million people in the United States already suffer loss of hearing from noise and that another 40 million, not including workers, are exposed to the potential hazards without even knowing it.

Until recently experts believed that permanent hearing damage occurred only when individuals were exposed to loud noise over a 40-year period. Now the National Institute for Occupational Health and Safety says that just two or three years of a 90-decibel dosage of sound daily is enough to create some deafness.

As harmful as noise may be, it is only fair to point out that some noises are a necessary part of our lives. Because we're used to them.

SOUND HELPS

In some area schools that practice the open classroom technique it is thought that the background noise students learn in is helpful because it makes them feel more at home. And as everyone knows a quiet night in the country can keep us all awake if we are used to the rush and rumble of the city.

Total environmental silence does not exist except in anachoic or nonecho chambers, designed to absorb sound. At San Diego State University, the chamber, which is used by the physics department to test equipment, is padded with honeycombed fiberglass.

What is heard here — or better yet, not heard — are negative frequencies: sounds below the audible level.

FALL FLAT

If sounds are made inside the chamber they fall flat and seem distant because they are not reverberating off the walls. Sound is lodged and absorbed in between the fiberglass wedges.

After 20 minutes in this austere room with its solitary chair, one's own blood can be heard rushing through the veins to the throat and the muscles in the head begin to creak like loose boards.

So silent is silence here and so disorienting that the normal response is to make sounds — to snap fingers, to do anything to re-establish one's self in the noisy world — the normal world.

PEOPLE REACT

How people react to silence and noise, depends on how they are programmed to receive sounds: a mother sleeps through all the noises in the household until her baby cries. It arouses her; she's programmed.

In a recent study two groups were given performance tasks. One group was told that some jarring music would interfere, but to try to ignore it.

The other group was told they were going to hear some music that would help them perform their tasks.

As could be expected, the first group did poorly and complained about the noise; the second group did substantially better.

'WATER TORTURE'

"It's like Chinese water torture," said Maurice Schiff, a La Jolla ear surgeon. "The dropping of water on the stone was not that loud, but you're accustomed to hearing it."

Schiff says there are more variables involved than just the decibel level when people complain about noises. Barking dogs are upsetting, he claims, because most people associate the sound with subconscious fears of strange animals.

He also believes it is not the intensity of rock music that disturbs so many people, but the rythmn and the beat which many find primitive and disturbing.

PROBLEM CITED

The problem, of course, with individual reaction to noise is that it makes restrictive legislation almost impossible. Too often one person's music is another person's annoyance.

Two years ago in a Tokyo high rise where walls are thin and insulation uncommon, a 46-year-old man picked up a knife, went next door and killed a mother and her two piano-playing daughters.

The youngest child would begin practicing her chords about 7 a.m. The oldest would join her a few minutes later. Finally Matsuzo Ohama had had enough. He sent a note complaining about the noise: "You should apologize to me," he wrote, "but you don't even acknowledge my presence as your neighbor."

NOTHING CHANGED

But nothing changed.

The next morning the children were at it again. An enraged Ohama jumped from his bed, grabbed a knife' stormed the apartment and stabbed them all.

Ohama was sentenced to death.

We all have a greater tolerance for the noise we make — our lawn mower, our stereo — than we have for noise neighbors make. That's part of the noise control problem.

GOES DEEPER

But the situation goes deeper. In some people's minds noise goes hand in hand with power. Recently a collection of vacuum cleaners were given to women for their comments. The quietest vacuum was designed to be the most effective.

But the women repeatedly said the loudest machines did the best job. They even commented that the quietest one didn't seem to get the job done at all.

The notion that power is synonymous with noise dies hard, even though engineers already have the capability to quiet a broad range of machines without reducing the performance too much. Some manufacturers already are advertising their wares by decibel level.

CUT POSSIBLE

Truck noise can be reduced, by 10 decibels according to a 1972 EPA report to Congress. The sound of smaller, clanking automobiles can be cut in half; motorcycles reduced to one quarter. Our growing fleet of commercial jet aircraft could be retrofitted — at a price — to make them considerably easier on the ear.

Continued

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UNION JAN 2 - 1977

Noise Is Growing As Pollutant In City Living

But refitting and redesigning cost money. The figure for lowering just the industrial noise level by five decibels is estimated somewhere between $8 billion and $31 billion.

But it costs to do nothing, too. The World Health Organization estimates that industrial noise costs $4 billion per year in poor performance, mistakes, accidents and compensations. This year the U. S. Navy alone doled out $26 million in compensatory damages to civilians who suffered hearing losses while working in Navy shipyards.

QUESTION POSED

So the question becomes: What price, peace? And, are people, both as individuals and corporations, ready to pay?

At this point some consumer groups are working to educate the public to the danger of noise, but noise remains low on the list of pollutant priorities in most people's minds. And as long as individuals continue to think of power and noise, and loud and good, as synonymous, it's likely to remain that way.

On a more positive note, noise is one of the few environmental pollutants that can be controlled with the technology we have today — if the money and enforcement are available.

TAKEN SERIOUSLY

And as Dukes says, noise has come a long way. "A couple of years ago the notion of noise pollution was thought to be ludicrous. At least now some people are taking it seriously."

Until things do get quieter, the best defense against noise pollution is to become as conscious of decibel levels as possible.

— You can wear ear plugs, although most people find this on a par with wearing a gas mask to control air pollution.

— Do not use earphones when listening to a stereo unless the volume is kept reasonably low; earphones intensify sound.

— Limit discotheque-going to a few hours a week.

— People who work in noisy surroundings should occasionally retreat to a quiet place. These breaks give the ear time to recover.

— And if a barking dog disturbs your sleep, call the noise abatement office and complain.

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APPENDIX H

San Diego Municipal Noise Control Ordinance

ARTICLE 9.5
(Added 9-18-73 by Ord. 11122 N.S.)

NOISE ABATEMENT AND CONTROL

DIVISION 1 – GENERAL
(Added 9-18-73 by Ord. 11122 N.S.)

SEC. 59.5.0101 PURPOSE AND INTENT

The Council of The City of San Diego finds and declares that:

A. Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the City of San Diego;

B. The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the City of San Diego is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase;

C. The making, creation, or continuance of such excessive noises, which are prolonged or unusual in their time, place, and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of San Diego;

D. Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, or enjoyment of property; and

E. The necessity, in the public interest, for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City of San Diego and its inhabitants.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0102 DEFINITIONS

Whenever the following words and phrases are used in this article, they shall have the meaning ascribed to them in this section:

A. Average Sound Level – a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters Sl. 4-1971. Average sound level is also called equivalent continuous sound level.

B. Community Noise Equivalent Level – an average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

C. Construction Equipment – any tools, machinery, or equipment used in connection with construction operations, including all types of "special construction" equipment as defined in the pertinent sections of the California Vehicle Code when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.

D. Decibel (dB) – a unit measure of sound (noise) level.

E. Emergency Work – work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities when restoring utility service.

F. Motor Vehicles – any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including but not limited to "mini-bikes" and "go-carts."

G. Noise Level – the same as "sound level." The terms may be used interchangeably herein.

H. Person – a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private.

I. Sound Level – in decibels, that quantity measured with a sound level meter as defined herein, by use of the "A" frequency weighting and "fast" time averaging unless some other time averaging is specified.

J. Sound Level Meter – an instrument for the measurement of sound, including a microphone, an amplifier, an attenuator, networks at least for the standardized frequency weighting A, and an indicating instrument having at least the standarized dynamic characteristic "fast," as specified in American National Standard Specifications for Sound Level Meters Sl. 4-1971 or its successor.

K. Sound Amplifying Equipment – equipment as specified in Section 33.0203b of the San Diego Municipal Code.

L. Disturbing, Excessive or Offensive Noise – any sound or noise conflicting with the criteria or levels set forth in this article.

M. Supplementary Definitions of Technical Terms – definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology, S1.1-1960 (R-1976).

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0103 SOUND LEVEL MEASUREMENT

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0104 SEVERABILITY

(Added 9-18-83 by Ord. 11122 N.S.)
(Renumbered 9-22-76 by Ord. 11916 N.S. now Sec. 59.5.0607.)

DIVISION 2 – ADMINISTRATION

(Added 9-18-73 by Ord. 11122 N.S.)

SEC. 59.5.0201 ESTABLISHMENT OF NOISE ABATEMENT AND CONTROL ADMINISTRATOR

There is hereby established within the Building Inspection Department of The City of San Diego the function of Noise Abatement and Control Administration which shall be administered by the Noise Abatement Officer (hereinafter referred to as the "Administrator"). In the performance of such duties as may be established, the Administrator shall be required to possess sufficient background and ability as is set forth in the Manual of Class Specifications for The City of San Diego.
(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0202 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

A. The Administrator and his staff have the responsibility of regulating and controlling the emission of all excessive or offensive noises within the City of San Diego and shall take such action, subject to the provisions of this article, as is reasonable and necessary to abate noise. The Administrator shall coordinate the activities of all City departments relating to noise control and reduction in those activities carried out by the various departments, including the Environmental Impact Report review process relating to noise pollution. The Administrator may exercise or delegate any of the functions, powers and duties vested in his office or in the administration of his office.

B. The Administrator is expressly charged:

1. To make any necessary investigations, inspections, or studies which, in his opinion, are necessary for the purpose of enforcing the provisions of this article or controlling or abating a disturbing, excessive or offensive noise. Information derived from noise studies shall be made available to the public upon request.

2. To institute necessary proceedings to prosecute violations of this article and to compel the prevention and abatement of disturbing, excessive, or offensive noise, and as further set forth in Division 6 of this article.

3. To grant or issue variances, permits, notices, or other matters required under the provisions of this article as will not be contrary to its intent or detrimental to the public health, safety, and general welfare of the citizens of the City of San Diego, when, due to special conditions, strict and literal interpretation and enforcement of the provisions of this article would result in unusual difficulties or unnecessary hardship or be inconsistent with the general purposes of this article. In granting any such variance or permit, the Administrator shall hold hearings and may impose such conditions as he deems necessary or desirable to protect the public health, safety, and general welfare in accordance with this article.

4. To do any and all other acts which may be necessary for the successful prosecution of the purposes of this article and such other acts as may be specifically enumerated herein as duties.

C. The Administrator may present to the Board for Abatement and Control of Noise (hereinafter referred to as the "Board"), as defined in Section 59.5.0207 of this article, for review and comment reports with specific recommendations for amendments to existing legislation, or for new legislation that is required to assure to the residents of the City of San Diego a quiet environment in accordance with this article.
(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0203 ISSUANCE OF PERMITS OR VARIANCES BY ADMINISTRATOR

The Administrator shall evaluate all applications for permits or variances from the requirements of this article and may grant said variances with respect to time for compliance, subject to such terms, conditions, and requirements as he or she may deem reasonable to achieving compliance with the provisions of this article. Each such variance shall set forth in detail the approved method of achieving compliance and a time schedule for its accomplishment. If in the judgment of the Administrator the time for compliance cannot be reasonably determined, a permit to cause the noise may be issued for a period not to exceed three (3) years. In determining the reasonableness of the terms of any proposed permit or variance, said Administrator shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, operations carried on under existing nonconforming rights or conditional use permits or zone variances, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of the equipment and the general public interest and welfare.

A nominal fee shall be charged to each applicant for processing permits or variances. Fee schedules shall be approved by Council resolution. A report of permits and variances shall be prepared monthly and be available for public review.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0204 APPEALS

Any person directly affected by the noise and/or the applicant who is aggrieved by approval or disapproval of a variance or permit by the Administrator may appeal in writing to the Board. In the case of a permit denial, the Board shall meet as soon as feasibly practical in order to consider the matter. All other appeals shall be scheduled in the Board's regular course of business. The Board may take such action as is set forth in Section 59.5.0207 of this article.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0205 INSPECTION BY ADMINISTRATOR

A. The Administrator may inspect, at any reasonable time and in a reasonable manner, any device or mechanism (1) which is intended to, or which actually does produce sound and (2) which creates or may create any disturbing noise, including, but not limited to, the premises where such device or mechanism is used.

B. If entry to premises is denied or refused, the Administrator shall obtain an inspection warrant from a court of competent jurisdiction.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0206 THE SAN DIEGO CITY NOISE MAP

A. The official record of noise levels in the City of San Diego shall be the San Diego City Noise Map. The Administrator shall compile existing records of sound level measurements available to The City of San Diego, and take further sound level measurements as necessary. From these records and measurements, the Administrator shall determine Community Noise Equivalent Levels (CNEL) and prepare the map for The City of San Diego. The map shall be sufficiently detailed to enable a resident to locate his place of residence. Where adequate data are available, the map shall be marked with isograms of Community Noise Equivalent Levels at sixty (60) decibels, and at five (5) decibel intervals above sixty (60) decibels.

B. At least once each year the Administrator shall revise the San Diego City Noise Map, correcting any inadequacies that may have become evident particularly from noise measurements made during the preceding year.

C. Any person may request the Administrator to accept for a location within the City of San Diego, a Community Noise Equivalent Level (CNEL) where none is shown at that location on the San Diego City Noise Map or which differs from one shown there, subject to the following requirements. The request shall be accompanied by an estimate of the annual Community Noise Equivalent Level at the place that is based on (1) a survey of noise there that includes essentially continuous measurement of the sound level over a period of at least two (2) weeks, and (2) appropriate information about the noise-making activity in the area during the test period and during the preceding year. These two items shall be such as to support the stated estimate of annual Community Noise Equivalent Level within an accuracy of two (2) decibels. The survey and estimate of annual Community Noise Equivalent Level for the specific date and place shall be made by a qualified acoustical consultant at the expense of the applicant.

(Old Sec. 59.5.0206 ADMINISTRATOR'S GUIDELINES - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)
(New Sec. 59.5.0206 THE SAN DIEGO CITY NOISE MAP - Added 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0207 BOARD FOR ABATEMENT AND CONTROL OF NOISE

A. Creation of Membership

There is hereby created a Board for Abatement and Control of Noise which shall consist of eleven (11) members; one (1) shall be qualified by training and experience in the field of acoustics; one (1) shall be qualified by training, experience and registration in the field of mechanical engineering; one (1) shall be qualified by training, experience and licensing in the field of architecture; one (1) shall be a qualified physician by training, experience and licensing in the field of physiological effects of noise; one (1) shall be a qualified audiologist by training, experience and licensing; one (1) construction industry contractor; one (1) electronics engineer; one (1) economist; and three (3) general members of the public. The members shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made for two-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such manner that the terms of not more than six (6) members shall expire in any year. The expiration date of all terms shall be January 1. Vacancies shall be filled for the unexpired term of the member whose place becomes vacant. The Mayor shall designate a chairman during January of each year; however, in the absence of such designation, the Board shall, on or after February 15, select from among its members a chairman. Such members shall serve without compensation.

B. Meetings

1. The Board shall meet regularly once a month, or more often if necessary, for the transaction of business. It shall establish its own rules and procedures necessary or convenient for the conduct of business.

2. Six (6) members of the Board shall consitute a quorum. The affirmative vote of not less that five (5) members shall be necessary for any action of the Board.

C. Powers and Duties

1. The Board shall hear and determine appeals from the rulings and determinations of the Noise Abatement and Control Administrator. Such Board may affirm, modify, or overrule the Administrator's rulings and determinations and shall be guided by the same considerations as set forth in Section 59.5.0203 and Division 4 of this article. A decision of the Administrator to refer a matter to the City Attorney for criminal action shall not be appealable to the Board.

2. The Board shall consult with and assist the Administrator in the performance of his duties and responsibilities as set forth herein.

3. The Director of Building Inspection Department shall act as Secretary to the Board. The Secretary shall cause minutes of each meeting of the Board to be kept accurately and distributed promptly. He shall cause appropriate written notice of each forthcoming meeting to be given to all members of the Board and to persons who have business with the Board. He shall procure, prepare, and distribute to members of the Board information which the Board, or any of its members, may require for transaction of business of the Board.

(Old Sec. 59.5.0207 AMENDMENT TO OTHER ORDINANCES - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)
(New Sec. 59.5.0207 BOARD FOR ABATEMENT AND CONTROL OF NOISE - Added 9-22-76 by Ord. 11916 N.S. - formerly Sec. 59.5.0208.)
(Amended 2-2-77 by Ord. 12003 N.S.)

SEC. 59.5.0208 BOARD OF NOISE ABATEMENT AND CONTROL

(Added 9-18-73 by Ord. 11122 N.S.)
(Renumbered to Sec. 59.5.0207 9-22-76 by Ord. 11916 N.S.)

DIVISION 3 – NOISE ABATEMENT CONTRACT COMPLIANCE

(Added 9-18-73 by Ord. 11122 N.S.)

SEC. 59.5.0301 CONTRACT PROVISIONS

A. Contract

As used in this section, the term "contract" shall mean any written agreement or legal instrument whereby The City of San Diego is committed to expend, or does expend, public funds in consideration for work, labor, services, equipment, or any combination of the foregoing, except that the term "contract" shall not include:

1. Contracts for financial or other assistance entered into by The City of San Diego with any federal, state or other local governmental entity or agency.

2. Contracts, resolutions, indentures, declarations of trust, or other legal instruments authorizing or relating to (a) the purchase of insurance, (b) the authorization, issuance, award and sale of bonds, and (c) certificates of indebtedness, notes, or other fiscal obligations of the City.

B. Contract Provisions

No contract shall be awarded or entered into by The City of San Diego unless such contract contains provisions requiring that:

Devices and activities which will be operated, conducted, or constructed pursuant to the contract and which are subject to the provisions of this Code, will be operated, conducted, or constructed without causing a violation of this article.

C. Regulations

The Administrator may, from time to time, recommend to the City's Purchasing Agent and/or other City departments such specifications for the operation or construction of devices and activities pursuant to City contracts. The Administrator shall make the recommendations necessary to achieve compliance with the provisions of this section.

D. No person shall cause or permit the operations of a device or conducting of an activity in such a way as to violate any provisions of a contract required by this action.

E. The provisions of this section shall not apply to those contracts awarded prior to three (3) months from the effective date (October 19, 1973) of this article.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

DIVISION 4 – LIMITS

(Added 9-18-73 by Ord. 11122 N.S.; Amended 9-22-76 by Ord. 11916 N.S. which changed title to LIMITS - formerly NOISE LEVEL LIMITS, STANDARDS AND CONTROL.)

SEC. 59.5.0401 SOUND LEVEL LIMITS

A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

TABLE OF APPLICABLE LIMITS

Land Use Zone	Time of Day	One-Hour Average Sound Level (decibels)
1. Residential: All R-1	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
2. All R-2	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
3. R-3, R-4 and all other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
4. All Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
5. Manufacturing, all other Industrial, including Agricultural and Extractive Industry	any time	75

B. The sound level limit at a location on a boundary between two (2) zoning districts is the arithmetic mean of the respective limits for the two (2) districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 and 59.5.0405 of this article.

C. Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of Part A. of this section, measured at or beyond six (6) feet from the boundary of the easement upon which the equipment is located.

(Old Sec. 59.5.0401 FIXED AND NONSTATIONARY SOURCES - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)

(New Sec. 59.5.0401 SOUND LEVEL LIMITS - Added 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0402 MOTOR VEHICLES

A. 1. Off-Highway

Except as otherwise provided for in this article, it shall be unlawful to operate any motor vehicle of any type on any site, other than on a public street or highway as defined in the California Vehicle Code, in any manner so as to cause noise in excess of those noise levels permitted for on-highway motor vehicles as specified in the table for "45 mile-per-hour or less speed limits" contained in Section 23130 of the California Vehicle Code, and as corrected for distances set forth in subsection A.2. below.

2. Corrections

The maximum noise level as the off-highway vehicle passes may be measured at a distance of other than fifty (50) feet from the center line of travel, provided the measurement is further adjusted by adding algebraically the applicable correction as follows:

Distance (feet)	Correction (decibels)
25	–6
28	–5
32	–4
35	–3
40	–2
45	–1
50 (preferred distance)	0
56	+1
63	+2
70	+3
80	+4
90	+5
100	+6

3. A measured noise level thus corrected shall be deemed in violation of this section if it exceeds the applicable noise-level limit as specified above.

B. Nothing in this section shall apply to authorized emergency vehicles when being used in emergency situations, including the blowing of sirens and/or horns.

(Old Sec. 59.5.0402 VEHICLE AND NONSTATIONARY SOURCE REPAIRS - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)

(New Sec. 59.5.0402 MOTOR VEHICLES - Added 9-22-76 by Ord. 11916 N.S. - formerly Sec. 59.5.0403.)

SEC. 59.5.0403 WATERCRAFT

Violations for excessive noise of watercraft operating in waters under the jurisdiction of The City of San Diego shall be prosecuted under applicable provisions of the California Harbors and Navigation Code. Permits issued by The City of San Diego for the operation of watercraft not in compliance with noise criteria of the Harbors and Navigation Code shall be reviewed and approved by the Administrator prior to issuance.

(Old Sec. 59.5.0403 MOTOR VEHICLES - added 9-18-73 by Ord. 11122 N.S.; renumbered 9-22-76 by Ord. 11916 N.S. - now Sec. 59.5.0402.)

(New Section 59.5.0403 WATERCRAFT - added and amended 9-22-76 by Ord. 11916 N.S. formerly Sec. 59.5.0407.)

SEC. 59.5.0404 CONSTRUCTION NOISE

A. It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest: and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.

B. The provisions of this section shall not apply to emergency work as defined herein, provided that the Administrator shall be notified of such emergency work forthwith.

(Old Sec. 59.5.0404 URBAN TRANSIT BUSES - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)

(New Sec. 59.5.0404 CONSTRUCTION NOISE - Added and amended 9-22-76 by Ord. 11916 N.S. formerly Sec. 59.5.0408.)

SEC. 59.5.0405 CONSTRUCTION ACTIVITIES

A. Except as provided in subsection B. hereof, it shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or within the property lines of any property zoned residential, an average sound level greater than seventy-five (75) decibels during the twelve (12) hour period from 7:00 a.m. to 7:00 p.m.

B. The provisions of subsection A. of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within forty-eight (48) hours after commencement of work.

(Old Sec. 59.5.0405 POWERED MODEL VEHICLES - Added 9-18-73 by Ord. 11122 N.S.; repealed 9-22-76 by Ord. 11916 N.S.)

(New Sec. 59.5.0405 CONSTRUCTION ACTIVITIES - Added and amended 9-22-76 by Ord. 11916 N.S. formerly Sec. 59.5.0409.)

SEC. 59.5.0406 REFUSE VEHICLES AND PARKING LOT SWEEPERS

No person shall operate or permit to be operated a refuse compacting, processing or collection vehicle or parking lot sweeper between the hours of 7:00 p.m. to 7:00 a.m. in any residential area unless a permit has been applied for and granted by the Administrator.

(Sec. 59.5.0406 REFUSE VEHICLES - Added 9-18-73 by Ord. 11122 N.S.; amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0407 WATERCRAFT

(Added 9-18-73 by Ord. 11122 N.S.)
(Renumbered 9-22-76 by Ord. 11916 N.S., now Sec. 59.5.0403.)

SEC. 59.5.0408 CONSTRUCTION NOISE

(Added 9-18-83 by Ord. 11122 N.S.)
(Renumbered 9-22-76 by Ord. 11916 N.S., now Sec. 59.5.0404.)

SEC. 59.5.0409 CONSTRUCTION EQUIPMENT

(Added 9-18-73 by Ord. 11122 N.S.)
(Renumbered 9-22-76 by Ord. 11916 N.S., now Sec. 59.5.0405.)

SEC. 59.5.0410 CONTAINERS AND CONSTRUCTION MATERIAL

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0411 EXTERIOR NOISE ISOLATION STANDARDS

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0412 TRAIN HORNS AND WHISTLES – EXCESSIVE SOUND PROHIBITED

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0413 SIGNAL DEVICE FOR FOOD TRUCKS

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

DIVISION 5 – PUBLIC NUISANCE NOISE

(Added 9-18-73 by Ord. 11122 N.S.; Amended 9-22-76 by Ord. 11916 N.S. which changed title to PUBLIC NUISANCE NOISE - formerly GENERAL NOISE REGULATIONS.)

SEC. 59.5.0501 GENERAL PROHIBITIONS

A. It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to the following:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the background noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates;
7. The time of day or night the noise occurs;
8. The duration of the noise; and
9. Whether the noise is recurrent, intermittent, or constant.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0502 DISTURBING, EXCESSIVE, OFFENSIVE NOISES – DECLARATION OF CERTAIN ACTS CONSTITUTING

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, Signaling Devices, etc.

Unnecessary use or operation of horns, signaling devices, etc., on automobiles, motorcycles, or any other vehicle.

B. Radios, Television Sets, Phonographs, Loud Speaking Amplifiers and Similar Devices

1. Uses Restricted

The use, operation, or permitting to be played, used, or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness. This provision shall not apply to any participant in a duly-licensed parade, or to any person who has been otherwise duly authorized by The City of San Diego to engage in such conduct.

2. Prima Facie Violations

The operation of any such set, instrument, phongraph, television set, machine, loud speakers or similar device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

C. Yelling, Shouting, etc.

Loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 10:00 p.m. and 8:00 a.m., or at any time or place, is hereby prohibited.

D. Animals

1. The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long-continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity.

2. Prima Facie Violations

The noise of any such animal or animals that disturbs two (2) or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located on property adjacent at any point to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

E. Schools, Courts, Churches, Hospitals

The creation of any noise in or adjacent to any school, institution of learning (except recreational areas of schools), church, court, or library without permission of the person in charge while the same are in use; or adjacent to a hospital, rest home, or long-term medical or mental care facility which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, rest home, or long-term medical or mental care facility, provided conspicuous signs are displayed in such streets, sidewalks, or public places indicating the presence of a school, institution of learning, church, court, library, rest home, or long-term medical or mental care facility.

F. Engines and Motor Vehicles

Any unnecessary noises caused by screeching tires, racing, or accelerating the engine of any motor vehicle while moving or not moving, or the wilfull backfiring of any engine and exhaust from the engine, tailpipe, or muffler.

G. Playing of Radios on Buses

The operation of any radio, phonograph, or tape player on an urban transit bus that is audible to any other person in the bus is prohibited.

(Sec. 59.5.0502 LOUD, UNUSUAL NOISES – DECLARATION OF CERTAIN ACTS CONSTITUTING - Added 9-18-73 by Ord. 11122 N.S., Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0503 BURGLAR ALARMS

A. On or after one (1) year from the effective date of this article, no owner of a commercial property, dwelling, or motor vehicle shall have in operation an audible burglar alarm therein unless such burglar alarm shall be capable of terminating its operation within twenty (20) minutes of its being activated.

B. Notwithstanding the requirements of this provision, any member of the Police Department of The City of San Diego shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation. On or after thirty (30) days from the effective date of this article, any building, dwelling or motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building, dwelling, or motor vehicle.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

DIVISION 6 – VIOLATIONS AND ENFORCEMENT

(Added 9-18-73 by Ord. 11122 N.S.)

SEC. 59.5.0601 VIOLATIONS: MISDEMEANORS

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500) or be imprisoned in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Added 9-18-73 by Ord. 11122 N.S.)

SEC. 59.5.0602 VIOLATIONS: ADDITIONAL REMEDIES: INJUNCTIONS

As an additional remedy, the operation or maintenance of any activity, device, instrument, vehicle or machinery in violation of any provision of this article, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Added 9-18-73 by Ord. 11122 N.S.)
(Amended 9-22-76 by Ord. 11916 N.S.)

SEC. 59.5.0603 ENFORCEMENT

(Added 9-18-73 by Ord. 11122 N.S.)
(Repealed 9-22-76 by Ord. 11916 N.S.)

APPENDIX I

Office of Noise Abatement and Control Newsletter

SAN DIEGO
BUILDING INSPECTION DEPT.
NOISE ABATEMENT AND CONTROL NEWSLETTER

VOL III ADMINISTRATOR'S REPORT NO 2
JAMES E. DUKES FEBRUARY AND MARCH 1977 (714) 236-5735

San Diego Regional Airport/Land-Use Compatibility Proposal

The Community Noise Equivalent Level (CNEL) limits proposed in the Comprehensive Planning Organization's land-use compatibility matrix are receiving close scrutiny by the advisory committee. The matrix similar to those previously published by HUD and EPA establishes guidelines for San Diego regional planning in areas of high transportation noise. A CNEL exceeding 65 decibels, for example, is considered incompatible with residential development, one of several broad land-use categories listed.

Recognizing that individual projects within each listed general land-use category will vary with respect to noise exposure to people using the property, a project review zone of five to ten decibels, depending on the land-use category, was added to the matrix. In effect, regional cities, the County and the Port Authority may consider projects independent of the matrix on a case-by-case basis when they lie just over the line in the unacceptable zone. Reluctance was expressed to make the grey area too wide, thereby compromising the integrity of the plan; on the other hand, too narrow a discretionary zone would obviate consideration of projects which are compatible with higher noise levels.

An alternative to be considered at the next committee meeting is to eliminate the grey area from the plan. When projects are proposed for incompatibly high noise areas, an acoustical analysis report prepared by a recognized acoustician would be required. Approval of such projects would be contingent on the evidence presented in the report that persons using the developed property would not be exposed to unacceptable noise levels.

A public hearing will be held by the Comprehensive Planning Organization Board of Executive Directors in the Silver Room of the Community Concourse on April 18, 1977, to hear comments prior to completing the plan.

Constitutional Infringement?

Mr. Ronnie Colwell, street evangelist for the "Lighthouse Church," after having been denied a permit by the Noise Abatement and Control Administrator to preach with a bull horn in Horton Plaza, appealed to the Board for Noise Abatement and Control. Mr. Colwell felt that the electrical amplification was necessary to be heard over the noise of downtown traffic. He stated further that denial of his use of voice amplification was an infringement of his constitutional right of free speech. The Board, after deliberating the issue at its January and February meetings, denied the appeal, stating that the subject amplification would result in further increases in the downtown noise, already excessively high. The Board made clear that this decision was not an infringement on Mr. Colwell's rights in that he had not been prohibited from speaking, but only from speaking at a disturbingly high noise level. No other permits will be granted by the Noise Abatement and Control Office for voice amplification in Horton Plaza. The Board did not rule on Mr. Colwell's request for a permit to use a bull horn on San Diego streets. It did not consider this necessary because street noise is not regulated by the Noise Abatement and Control Ordinance. Even so, amplification equipment may not be used in such a way as to cause a public disturbance.

Lindbergh Field Noise Variance

The City Council unanimously passed a resolution to act as intervenor in the San Diego Port District variance application to continue operating San Diego International Airport as a "noisy airport," pursuant to the Division of Aeronautics Regulations (CAC, Title 4).

The Deputy City Attorney representing the City of San Diego will be Mr. Curtis Fitzpatrick. Until the hearing, the City and the County will be coordinating preparation of their separate intervention actions to present the facts as effectively as possible.

The Port Authority has indicated recently that some additional information concerning Community Noise Equivalent Level contours from 65 to 80 decibels may be possible to prepare. It is hoped all areas of interest defined in the resolution can be negotiated with the Port Authority prior to the hearing. Representatives from the Environmental Protection Agency in Washington, D.C. and San Francisco have expressed interest in attending the variance application proceedings and appear to be sympathetic with the City's and County's positions.

Hawaii Calls (quietly)

Through the Region IX EPA Office, the Citizens Against Noise (CAN) in Honolulu, Hawaii, contacted our office concerning the exchange of ideas and monthly newsletters. Citizens Against Noise is an incorporated, nonprofit organization and not associated with any public agency. It is the largest group of its kind known and the largest citizens' group in the Hawaiian Islands. For a $5.00 annual dues, members receive a well-written newsletter and free use of a sound level meter to evaluate personal noise problems. For further information, address inquiries to Joan Hayes, 205 Merchant Street, Room 18, Honolulu, Hawaii, 96813 or telephone (808) 537-3590.

For information concerning the San Diego City Noise Abatement and Control Program, address inquiries to:
NOISE ABATEMENT AND CONTROL OFFICE
1222 First Avenue, San Diego, California 92101
SUBSCRIPTION RATE: $5.00 per year

APPENDIX J

Office of Noise Abatement and Control
List of Approved Acousticians

SAN DIEGO
BUILDING INSPECTION DEPT.
NOISE ABATEMENT AND CONTROL NEWSLETTER

The following companies are listed with the San Diego City Noise Abatement and Control office as qualified to prepare acoustical analysis reports pursuant to the California Noise Insulation Standards (CAC, Title 25.) Acousticians wishing to be listed with this office should mail a letter of request, resumes for all acousticians on staff and a job experience list. Please allow two weeks for review and processing.

San Diego Area Firms

ROBERT S. GALES
1645 Los Altos Road
San Diego, CA 92109
274-6204

PARRY NOISE CONSULTING
2420 University Avenue
San Diego, CA 92104
296-3323

AURELIO G. PELLINO
4874 Mt. La Platta Drive
San Diego, CA 92117
277-0164

SAN DIEGO ACOUSTICS
111 Elm Street
San Diego, CA 92101
231-8986

WESTEC SERVICES, INC.
1520 State Street
San Diego, CA 92101
233-7572

ROBERT W. YOUNG, PH.D.
1696 Los Altos Road
San Diego, CA 92109
273-8732

Firms in Other Areas

BOLT, BERANEK AND NEWMAN, INC.
21120 Vanowen Street
Canoga Park, CA 91313
(213) 347-8360

DB ASSOCIATES, INC.
Box 90882 Worldway Center
Los Angeles, CA 90009
(213) 641-4500 776-4222

KENWARD S. OLIPHANT
657 Howard Street
San Francisco, CA 94105
(415) 421-1164

J. J. VAN HOUTEN
1585 Mells Lane
Anaheim, CA 92802
(714_635-9520

PAUL S. VENEKLASEN & ASSOCIATES
1711 16th Street
Santa Monica, CA 90404
(213) 393-3703 870-9268

WYLE LABORATORIES
128 Maryland
El Segundo, CA 90245
(213) 678-4251

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

James E. Dukes
JAMES E. DUKES
ADMINISTRATOR

APPENDIX K

Noise Impact Analysis Report on Proposed Road Improvements

CITY of SAN DIEGO

MEMORANDUM

FILE NO.:

DATE : October 25, 1977

TO : Transportation Department Director

FROM : Building Inspection Department Director

SUBJECT: Acoustical Analysis of the Proposed Improvement to Pomerado Road Between Stone Canyon Road and Avenida la Valencia

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Project Description

This project entails the widening from two to four lanes and realignment of a 0.61 mile portion of Pomerado Road from Stone Canyon Road to 500 ft. south of Avenida la Valencia. The current speed limit is thirty-five miles per hour but is expected to be increased to fifty-five miles per hour by 1995. The current traffic load is 8,200 vehicles per year (2% trucks) and is forecasted by the City Transportation Department to increase to 24,500 vehicles per year by 1995. Hourly vehicle trips are shown in Attachments A_1 and A_2.

Site Selection and Acoustical Analysis Technique

Two test sites were selected for 96 hours of continuous time average sound level monitoring, utilizing an ANSI Type II Digital Acoustics and a Type I Computer Engineering Limited Average Sound Level Meters (see Attachment D). Additionally a one hour traffic mix vehicle count was conducted at both sites, during which time the time averaged, A-weighted sound level was measured.

The two one hour surveys were used to determine the ratio of the "average" vehicle on Pomerado Road to HNL, and to verify the spreading characteristics of the roadway noise (i.e. spherical, columnar, or combination). The sound level reduction over distance for time integrated measurements proved to be columnar or proportional from 50 ft. to 750 ft. from Pomerado Road as demonstrated on graph F. The sites were located 500 ft. south of Avenida la Valencia, and 650 ft. north of Stone Canyon Road at 19 ft. and 50 ft. respectively from the center of the eastern most Pomerado lane. Measurement sites are identified on Attachment H. Attachment C contains a histogram of the one hour average A-weighted sound levels (HNL) at site one. The highest HNL measured occurred during peak hour traffic, from 4 p.m. until 5 p.m. and was utilized for a "worst case" site noise evaluation.

The breakdown of vehicles by axle number is contained on Attachment B. The measured HNL at 100 ft. was 62.1 dB from 1315 hours to 1415 hours. A comparison of Single Event Noise Exposure Levels (SENEL) for each of the vehicle types counted by the Noise Abatement and Control Office during earlier studies (ref. Attachment C) is in close agreement with the observed ratio of mixed vehicles to the HNL observed on Pomerado Road. This confirmed relationship is shown on Attachment E. Drive-by speeds of two and three axle vehicles from thirty-five miles per hour to fifty miles per hour have not resulted in a significant increase in the Single Event Noise Exposure Level except where the vehicles were equipped with tires of especially noisy tread design. In these cases as with four and five axle vehicles, the Single

Event Noise Exposure Level increased between one and five decibels at fifty-five miles per hour over the sound level measured at thirty-five miles per hour. Because of the small percentage of truck traffic and vehicles equipped with noisy tread, the resultant increase in SENEL did not warrant applying correction factors to the model.

The assumption was made that the Transportation Department estimated increase in current average daily trips from 8,200 to 24,500 by the year 1995 would not affect the distribution of traffic on an hour by hour basis throughout a twenty-four day.

Test Procedures

The Single Event Noise Exposure Levels were measured during standard barometric and temperature conditions on two, four and six lane roadways. The microphone is generally 100 ft. back from the center of the right hand lane, approximately four ft. above the road bed surface. Care is taken not to conduct tests within 200 ft. from reflecting surfaces, intersections or bends in the road. Tests are not conducted on grades greater than 4%. Vehicles speeds are timed as the vehicle passes between two markers 200 ft. apart. These tests are ongoing in the City of San Diego and are expected to be incorporated into the San Diego Regional Ground Transportation Noise Land Use Planning Map. All equipment was calibrated with appropriate calibration sources (i.e. ANSI Type II, 114 decibels, 1000 herz).

Conclusions

The current and forecasted 1995 peak hourly noise level versus distance from the center of the right hand lane of Pomerado Road are depicted on the Attachment F graph. Terrain is generally flat and rolling consequently additional absorption and reflection calculations were not included in this report. A slight indentation will be noted in the northern section of the 65 dB, HNL isogram caused by the presence of a minor elevation change. This was detected during spot L_{eq} measurements of ten minute durations. Residential development at the northern end of the proposed project are currently exposed to peak hourly noise levels greater than 60 decibels and will be exposed to higher levels as traffic loads increase on the roadway. The 1995 HNL contours can be derived from Attachment F.

Impacts

As a consequence of current Pomerado Road traffic noise, fifteen residences and a church are currently exposed to peak hour HNL greater than 60 dB. By 1995 the increased traffic load will cause six additional residences to be so exposed.

Twelve residences are currently exposed to levels greater than 65 dB, and by 1995, will be exposed to levels exceeding 70 dB. The church, and two more residences will be exposed to levels greater than 65 dB.

This statement is true for those buildings in direct line of sight of the traffic. Measurements have not been conducted at all of the residences.

Mitigation

Utilizing a City of San Diego developed and tested program for L_{eq} octave band barrier attenuation (Attachment G), it was determined that a solid construction masonry wall with a height greater than eleven ft. and positioned between the roadway and sidewalk easement would mitigate the impact to a level below 60 decibels, HNL. While it is recognized that more restrictive Federal and State Regulation of the automotive and the tire manufacturing industries may result in a decrease in pass-by sound levels, it is not felt by this office that such measures will adequately mitigate noise impact at the location in question to achieve compatibility with the subject residential land use.

Numerous complaints have been filed with this office concerning high traffic noise levels.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

James E Dukes
JAMES E. DUKES
ADMINISTRATOR

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Attachments

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                         VEHICLE VOLUME SUMMARY - MACHINE COUNT
                        CITY OF SAN DIEGO TRAFFIC ENGINEERING SECTION

   LOCATION: POMERADO RD     (RIOS RD-N/O)                  DIR NORTH,     STA  53+3       FILE NO 1214-77

                BEG HR  ..15-MIN PERIODS... (HOUR)    ..15-MIN PERIODS... (HOUR)    ..15-MIN PERIODS... (HOUR)

   08-11-77 THU  0900               100  110 (    )     90  120  100  130 ( 440)    130  120   90  100 ( 440)
                 1200    90  120  120  110 ( 440)    120  110  110   90 ( 430)    110  100  110  110 ( 430)
                 1500   110  120  130  110 ( 470)    130  110  100  100 ( 440)    120  100   90   80 ( 390)
                 1800   110   90   80   70 ( 350)     70   70   60   50 ( 250)     60   50   40   40 ( 190)
                 2100    30   30   40   20 ( 120)     30   30   30   30 ( 120)     20   20   20   10 (  70)
                                                                                    PARTIAL DAY - NO TOTAL

      PM PEAK HOUR=  490 ENDING AT 1615

   08-12-77 FRI  0000    20   20    0   10 (  50)     10   10    0   10 (  30)      0   10    0    0 (  10)
                 0300     0    0   10    0 (  10)      0   10    0   10 (  20)     10   10   20   20 (  60)
                 0600    50   60  100   80 ( 290)     80  130  140  100 ( 450)    100  100  100  110 ( 410)
                 0900   100  100  110  130 ( 440)    120  120  120  120 ( 480)    100  110  120  100 ( 430)
                 1200   110  110  120  120 ( 460)    110  100  130  110 ( 450)    120  110  110   90 ( 430)
                 1500   110  110  130  110 ( 460)    110  110  120  130 ( 470)    110  110   90  100 ( 410)
                 1800   100   80   90   70 ( 340)    100   60   60   60 ( 280)     60   60   50   30 ( 200)
                 2100    40   40   20   30 ( 130)     20   30   20   10 (  80)     30   30   30   10 ( 100)
      AM PEAK HOUR=  490 ENDING AT 1045                                         TOTAL - 24 HOURS   6,490*
      PM PEAK HOUR=  470 ENDING AT 1430 1700 1715 1730

   08-13-77 SAT  0000    20   20    0   20 (  60)     10   10   10   20 (  50)     10   10   10    0 (  30)
                 0300     0   10    0    0 (  10)      0   10   10    0 (  20)      0   10   10   20 (  40)
                 0600    10   30   30   40 ( 110)     30   40   50   50 ( 170)     60   50   80   70 ( 260)
                 0900    70  100  100  100 ( 370)    130  110  110   90 ( 440)    110  120  120  100 ( 450)
                 1200   120  120  120   90 ( 450)    100   90  110   90 ( 390)    110   80   90   80 ( 360)
                 1500   100   80  100  100 ( 380)     90  100  110   90 ( 390)    100   70   70  100 ( 340)
                 1800    80   80   70   80 ( 310)     90   80   60   60 ( 290)     50   40   50   20 ( 160)
                 2100    40   30   30   30 ( 130)     30   40   20   30 ( 120)     10   20   30   20 (  80)
      AM PEAK HOUR=  450 ENDING AT 1045 1200                                    TOTAL - 24 HOURS   5,410*
      PM PEAK HOUR=  450 ENDING AT 1300

   08-14-77 SUN  0000    20   10   20   10 (  60)     10   20   10   10 (  50)     10   10    0    0 (  20)
                 0300    10   10    0    0 (  20)     10   10    0    0 (  20)     10    0   10    0 (  20)
                 0600    10   10   20   10 (  50)     20   20   40   30 ( 110)     40   70   80   70 ( 260)
                 0900    60   60   80  160 ( 360)     90   90  100  100 ( 380)    160  210  110   70 ( 550)
                 1200   100  130  120  120 ( 470)    120   90   80   70 ( 360)     70   80   90   70 ( 310)
                 1500    70   80   60   70 ( 280)     70   70   70   80 ( 290)     70   80   70   80 ( 300)
                 1800    60   60   80   50 ( 250)     50   60   70   60 ( 240)     60   50   30   30 ( 170)
                 2100    40   50   30   20 ( 140)     30   20   20   30 ( 100)     20   20   10   20 (  70)
      AM PEAK HOUR=  500 ENDING AT 1145                                         TOTAL - 24 HOURS   4,880*
      PM PEAK HOUR=  490 ENDING AT 1315

   08-15-77 MON  0000    10   10   10    0 (  30)     10    0   10    0 (  20)     10    0    0    0 (  10)
                 0300    10    0    0    0 (  10)      0   10    0   10 (  20)      0   20   20   20 (  60)
                 0600    50   60  100   80 ( 290)    100  110  150  160 ( 520)     90  100   90   90 ( 370)
                 0900    80  100           (    )                        (    )                        (    )
                                                                                    PARTIAL DAY - NO TOTAL

                                                                              AVERAGE WEEKDAY COUNT   6,500**

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                              VEHICLE VOLUME SUMMARY - MACHINE COUNT
                             CITY OF SAN DIEGO TRAFFIC ENGINEERING SECTION

LOCATION: POMERADO RD     (RIOS RD-N/O)                       DIR SOUTH        STA  5343        FILE NO 1215-77

              BEG HR  ..15-MIN PERIODS... (HOUR)      ..15-MIN PERIODS... (HOUR)      ..15-MIN PERIODS... (HOUR)

03-11-77 THU  0900                100  80 (    )     100 100  80 100 ( 380)     100 110 110 120 ( 440)
              1200     140 110  90 110 ( 450)     130 100 120 130 ( 480)     110 120 130 120 ( 480)
              1500     110 130 160 140 ( 540)     150 150 150 180 ( 630)-    200 170 140 100 ( 610)
              1800     100 100  80  90 ( 370)      60  70  70  50 ( 250)      70  60  60  50 ( 240)
              2100      50  60  40  50 ( 200)      50  50  40  30 ( 170)      20  10  20  20 (  70)
                                                                                    PARTIAL DAY - NC TOTAL
       PM PEAK HOUR=  700 ENDING AT 1730

03-12-77 FRI  0000      10  20  10  10 (  50)       0  20   0  10 (  30)       0  10   0  10 (  20)
              0300       0   0   0  10 (  10)       0  10   0   0 (  10)       0  10   0  10 (  20)
              0600      20  20  20  40 ( 100)      40  40  70  60 ( 210)      80  70  80 100 ( 330)
              0900      70  60 100 100 ( 330)     100 100 100 110 ( 410)     110 120 130 130 ( 490)
              1200     120 120 100 120 ( 460)     110 100 130 100 ( 440)     110 100 130 110 ( 450)
              1500     120 120 160 100 ( 500)     170 150 160 180 ( 660)     160 140 140 130 ( 570)
              1800     100 110  70 100 ( 380)      70  90  90  70 ( 320)      70  70  50  70 ( 260)
              2100      40  40  50  30 ( 160)      50  20  30  40 ( 140)      40  40  40  30 ( 150)
       AM PEAK HOUR=  490 ENDING AT 1200                                       TOTAL - 24 HOURS   6,500*
       PM PEAK HOUR=  660 ENDING AT 1700

03-13-77 SAT  0000      30  20  30  20 ( 100)      10  20  10  10 (  50)      10   0  10  10 (  30)
              0300       0  10   0   0 (  10)       0  10   0   0 (  10)       0  10  10   0 (  20)
              0600      10  10  10  20 (  50)      20  20  20  40 ( 100)      20  40  40  50 ( 150)
              0900      60  60  70  60 ( 250)     100 100 100 100 ( 400)     110 140 110 120 ( 480)
              1200     120 110 100 130 ( 460)      90 120  90 110 ( 410)      90 110 110  80 ( 390)
              1500     110 100 130  90 ( 430)     140 110 130 120 ( 500)     110 120 100  90 ( 420)
              1800      90  70  80  50 ( 290)      80  70  70  60 ( 280)      60  50  50  40 ( 200)
              2100      40  60 130  90 ( 320)      60  40  40  40 ( 180)      30  40  20  40 ( 130)
       AM PEAK HOUR=  480 ENDING AT 1220                                       TOTAL - 24 HOURS   5,660*
       PM PEAK HOUR=  590 ENDING AT 1700

03-14-77 SUN  0000      20  20  10  20 (  70)      20  10  10  10 (  50)      10  10   0  10 (  30)
              0300       0   0  10   0 (  10)       0  10   0   0 (  10)       0   0   0   0 (   0)
                    ** 5 OR MORE CONSECUTIVE ZERO COUNTS. CONSIDER RECOUNT **
              0600      10  10   0  20 (  40)      20  50  40  20 ( 130)      20  30  60  90 ( 200)
              0900      80  80  60  80 ( 300)     110 140  70  90 ( 410)      90 130 120 120 ( 460)
              1200     100 110  70  80 ( 360)     100  60  70 100 ( 330)      70  80 100 110 ( 360)
              1500     100  60  80  70 ( 310)      80  90 100 100 ( 370)     100  90  80 100 ( 370)
              1800      80  80  90 100 ( 350)      60  50  60  70 ( 240)      50  60  50  40 ( 200)
              2100      40  40  30  30 ( 140)      30  30  30  30 ( 120)      30  10  30  10 (  80)
       AM PEAK HOUR=  460 ENDING AT 1200                                       TOTAL - 24 HOURS   4,940*
       PM PEAK HOUR=  390 ENDING AT 1615-1715-1730

03-15-77 MON  0000      30  20  10  10 (  70)       0  10   0  10 (  20)       0   0   0   0 (   0)
              0300       0   0   0  10 (  10)       0   0   0  10 (  10)       0   0  10  10 (  20)
              0600      10  20  40  50 ( 120)      30  40  50  70 ( 190)      60  80  90 110 ( 340)
              0900      70  80           (    )                     (    )                     (    )
                                                                                 PARTIAL DAY - NO TOTAL

                                                                          AVERAGE WEEKDAY COUNT   6,500*

                                                PAGE  1
```

A2

CITY OF SAN DIEGO
NOISE ABATEMENT AND CONTROL OFFICE

B

Vehicle Count by Axle Class

Project: Pomerado Road Alignment and
Widening Between Stone Canyon
Road and Avenida la Valencia

Date: February 16, 1977 Time: As Indicated

2-AXLE	SEL	3-AXLE	SEL	4-AXLE	SEL	5-AXLE	SEL	MOTORCYCLE	SEL
598	NA	11	NA	5	NA	None	NA	3	NA

Total vehicle count: 617

L_{eq} during survey: 62 dB (A-weighted)

Duration of survey: 1 hour, 1315 to 1415 hours

Average HNL/vehicle: 34.1 dB

% Trucks: 3.2

NOISE IMPACT SENSITIVE LAND USE

No. of Buildings	Building Use	Distance from Center, Right Hand Lane (ft)	Current Exposure HNL (dB)	1995 Predicted Exposure HNL (dB)
2	Residence	40	66.08	71.08
2	"	75	63.35	68.35
10	"	50	65.11	70.11
2	"	250	58.98	63.98
1	"	210	58.88	63.88
1	"	240	58.30	63.30
2	"	280	57.63	62.63
1	Church	160	60.06	65.06

ATTACHMENT **C**

CITY OF SAN DIEGO
NOISE ABATEMENT AND CONTROL OFFICE

Sound Exposure Level (SEL) by Axle Class
at 25 Ft. from center of Beardsley Street

Project: Lowell Elementary School
1130 Beardsley Street

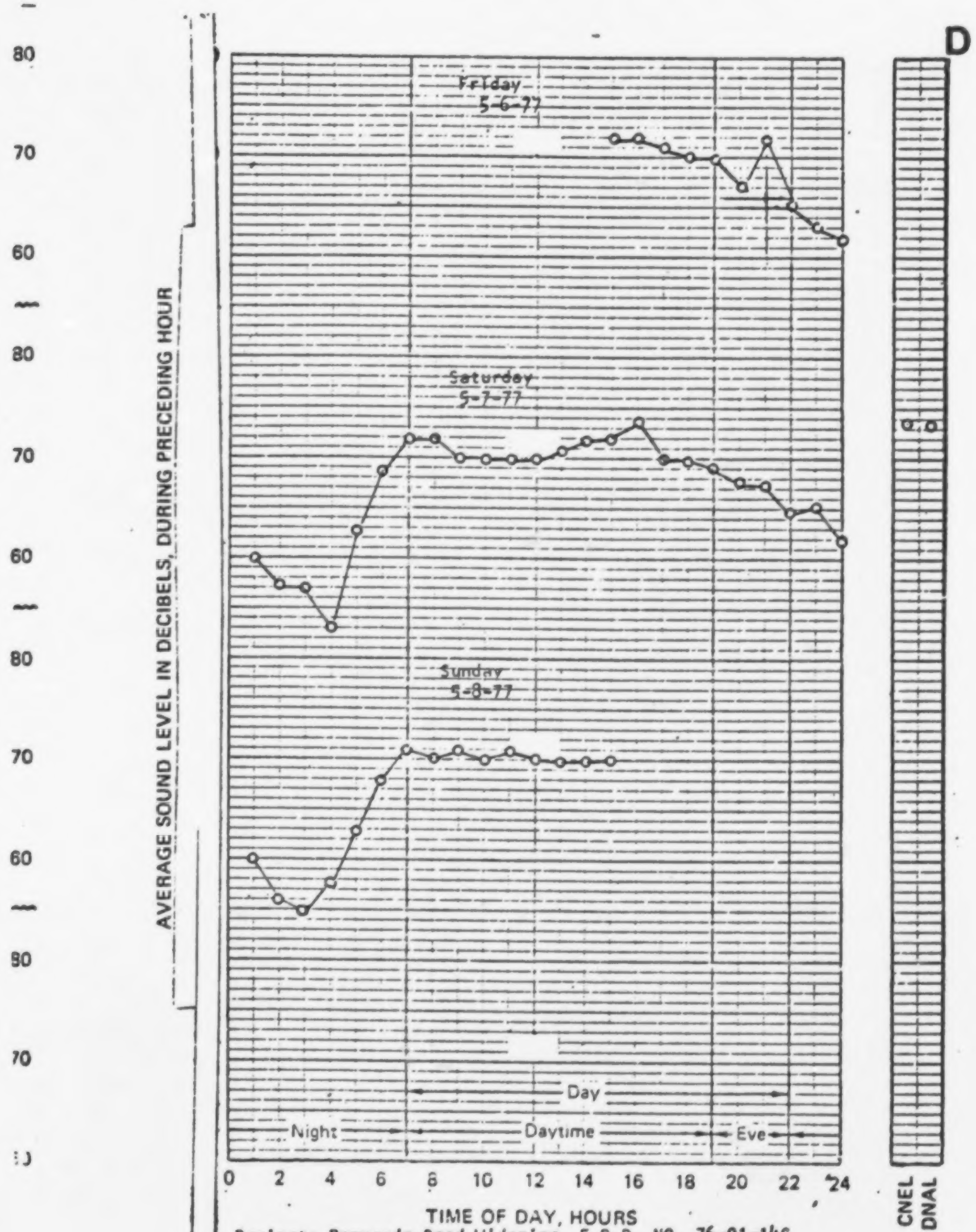
Date: February 16, 1977 Time: As Indicated

2-AXLE		3-AXLE		4-AXLE		5-AXLE		*OTHER	
H M S	SEL	H M S	SEL	H M S	SEL	H M S	SEL	H M S	SEL
083654	77.0 dB	102613	87.0 dB	090814	86.5 dB	102743	89.4 dB	084705	81.5 dB
083929	77.0 dB			091929	90.4 dB	102624	90.7 dB		
084440	77.0 dB			094351	80.4 dB	104812	89.6 dB	090346	74.0 dB
084376	74.7 dB			094729	87.4 dB				
090804	77.5 dB			095354	91.5 dB			095314	84.0 dB
093936	77.0 dB			102359	87.7 dB				
094233	79.0 dB								
094337	77.0 dB			88.45 dB Average		89.94 dB Average		81.44 dB Average	
095156	84.3 dB								
095226	81.3 dB								
095605	80.5 dB								
100157	77.0 dB								
100458	72.2 dB								
100919	80.0 dB								
102830	74.0 dB								
105015	77.0 dB								
104055	80.0 dB								
104105	82.0 dB								

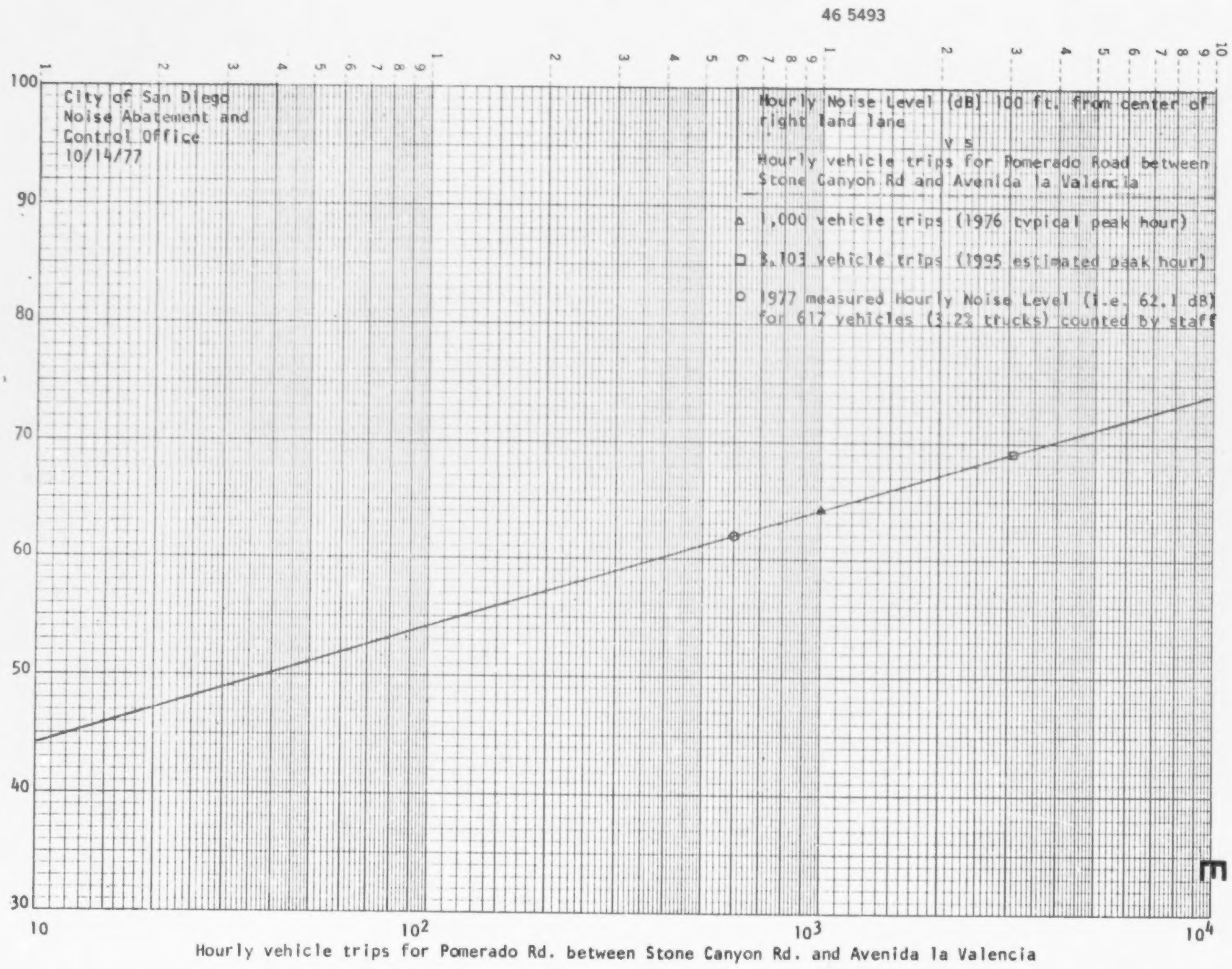
H - HOUR
M - MINUTE
S - SECOND
dB - DECIBELS

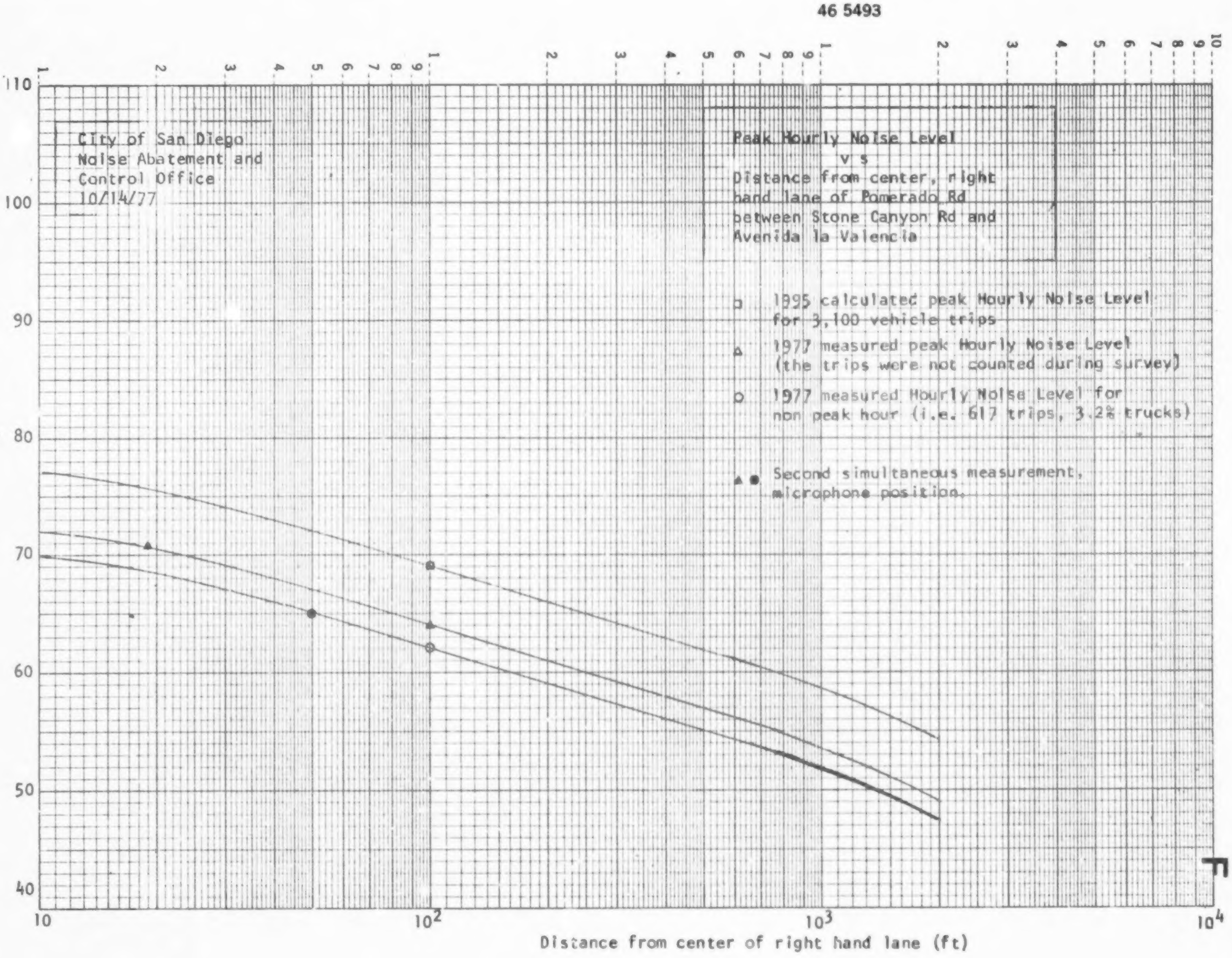
79.08 dB Average (2 axle)
81.44 dB Average (other)
79.35 dB Average (2 axle and other)

*OTHER: Dual Axle



Project: Pomerado Road Widening, E.Q.D. NO. 76-01-14C
Instrumentation: Digital Acoustic Model 603A S/N 1128
Microphone Location: 500 ft. south of Avenida la Valencia
19 ft. from the center of rt. hand lane of Pomerado Rd.
Date & Time: May 6, 1977 1400 Hours to May 8, 1977 @ 1500 Hours


46 5493
City of San Diego
Noise Abatement and
Control Office
10/14/77
Hourly Noise Level (dB) 100 ft. from center of right hand lane
vs
Hourly vehicle trips for Pomerado Road between Stone Canyon Rd and Avenida la Valencia
△ 1,000 vehicle trips (1976 typical peak hour)
□ 3,103 vehicle trips (1995 estimated peak hour)
○ 1977 measured Hourly Noise Level (i.e. 62.1 dB) for 617 vehicles (3.2% trucks) counted by staff
100
90
80
70
60
50
40
30
10
10^2
10^3
10^4
Hourly vehicle trips for Pomerado Rd. between Stone Canyon Rd. and Avenida la Valencia
E

46 5493
City of San Diego
Noise Abatement and
Control Office
10/14/77
Peak Hourly Noise Level
vs
Distance from center, right
hand lane of Pomerado Rd
between Stone Canyon Rd and
Avenida la Valencia
□ 1995 calculated peak Hourly Noise Level for 3,100 vehicle trips
△ 1977 measured peak Hourly Noise Level (the trips were not counted during survey)
○ 1977 measured Hourly Noise Level for non peak hour (i.e. 617 trips, 3.2% trucks)
▲ ● Second simultaneous measurement, microphone position.
110
100
90
80
70
60
50
40
10
10^2
10^3
10^4
Distance from center of right hand lane (ft)
F

CITY OF SAN DIEGO NOISE ABATEMENT AND CONTROL OFFICE
FORTRAN IV IBM 370 COMPUTER PROGRAM DESCRIPTION
FOR ACOUSTICAL BARRIER ATTENUATION (BAFT)

The program will calculate the attenuation of sound in each of nine octave bands from a specified source to a series of receiver locations, using the inverse [illegible] law, atmospheric attenuation, and barrier attenuation.

The program logic is written to first read in the data cards; then calculate the path length difference between the direct and the diffracted path for each of nine frequencies, using the equation:

$$\text{DEL} = \left[\sqrt{W^2 + (X-\nu)^2} + \sqrt{Y^2 + (X-Z)^2} + U \right. \left. + \sqrt{(W + U + Y)^2 + (Z-\nu)^2} \right]$$

where W = distance in feet from source to edge of barrier
X = height of barrier in feet
= E + H, combined height in feet of ground elevation (E) and source height (H)
Y = distance in feet from edge of barrier to receiver
Z = height in feet of receiver
U = width of barrier in feet

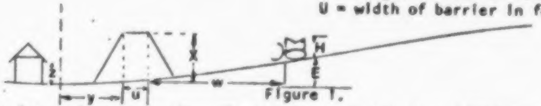


Figure 1.

Next, the program calculates the attenuation of parameter T, which is a function of the path length and wave length as follows: $T = f(2\ (\text{DEL})/L)$

where DEL = defined above
L = C/F in feet
C = 1100 ft/sec, speed of sound
F = frequency, Hertz

The attenuation parameter is then used to calculate the barrier attenuation. The curve used is shown in Figure 1, and comes from Hackawa, Z., "Noise Reduction by Screen of Finite Size," Memoirs of the Faculty of Engineering, Kobe Univ., No. 12, 1966. The curve was fitted using three equations to cover three ranges as shown in Figure 1.

Once the barrier attenuation is known for each octave band frequency of interest, the octave band level at the receiver is calculated as follows:

$$N = S - 10 \log R/RO - \frac{A(R-RO)}{1000} - T - F$$

where S = source octave band level
$R = \sqrt{W^2 + (X-\nu)^2} + \sqrt{Y^2 + (X-Z)^2} + U$, diffracted distance in feet
RO = measurement distance in feet for source levels
A = atmospheric absorption in dB/1000 feet
T = barrier attenuation in decibels
F = Weighting factors in decibels (A wgt usually)

Next, the weighted octave band sound pressure levels are summed to obtain the weight sound level. For most cases, this will be the A-weighted sound level as heard by the receiver.

The program next increments by a factor of 2 the value of Y, the distance from the receiver to the barrier and loops through the program until the value of Y is equal to or greater than 2000 feet. At this point, the program will then increment the barrier height X by a value of 5 feet, recalculate everything and continue to loop until the barrier height is equal to or greater than 50 feet. At this point, the program will read another set of input parameters W, X, Y, Z, E, and RO and go through the entire sequence again. The program may be terminated by entering a value of -1 for the parameter Y.

Output from the program will be on the line printer and will include W, Z, E, X, Y, and L, in that order.

Program structure is such that the card deck is composed of: (1) output device and other control cards; (2) program cards; (3) data cards; and (4) control end card.

Format of the data cards is shown in Figure 2. The card is divided into nine fields having a length of eight characters each. It is assumed that the input value is composed of four integer places and four decimal places. The data cards are assembled in the sequence shown.

FIELD: 1-72 characters, Left to Right ( ) ( ) ( ) ( ) decimal point ( ) ( ) ( ) ( )
1 2 3 4 5 6 7 8

CARD #1: Parameters W, X, Y, Z, E, RO & U

CARD #2: Parameters for barrier attenuation

hz	= λ(ft)	hz	= λ(ft)	hz	= λ(ft)
31.5	34.92	250	4.40	2000	0.55
63	17.46	500	2.20	4000	0.28
125	8.80	1000	1.10	8000	0.14

CARD #3: Octave band center frequency SPL

CARD #4: Source height (h) by band width

CARD #5: Atmospheric absorption by band width

hz	= dB/1000'	hz	= dB/1000'	hz	= dB/1000'
31.5	0.0	250	0.4	2000	3.5
63	0.1	500	0.7	4000	7.6
125	0.2	1000	1.5	8000	13.7

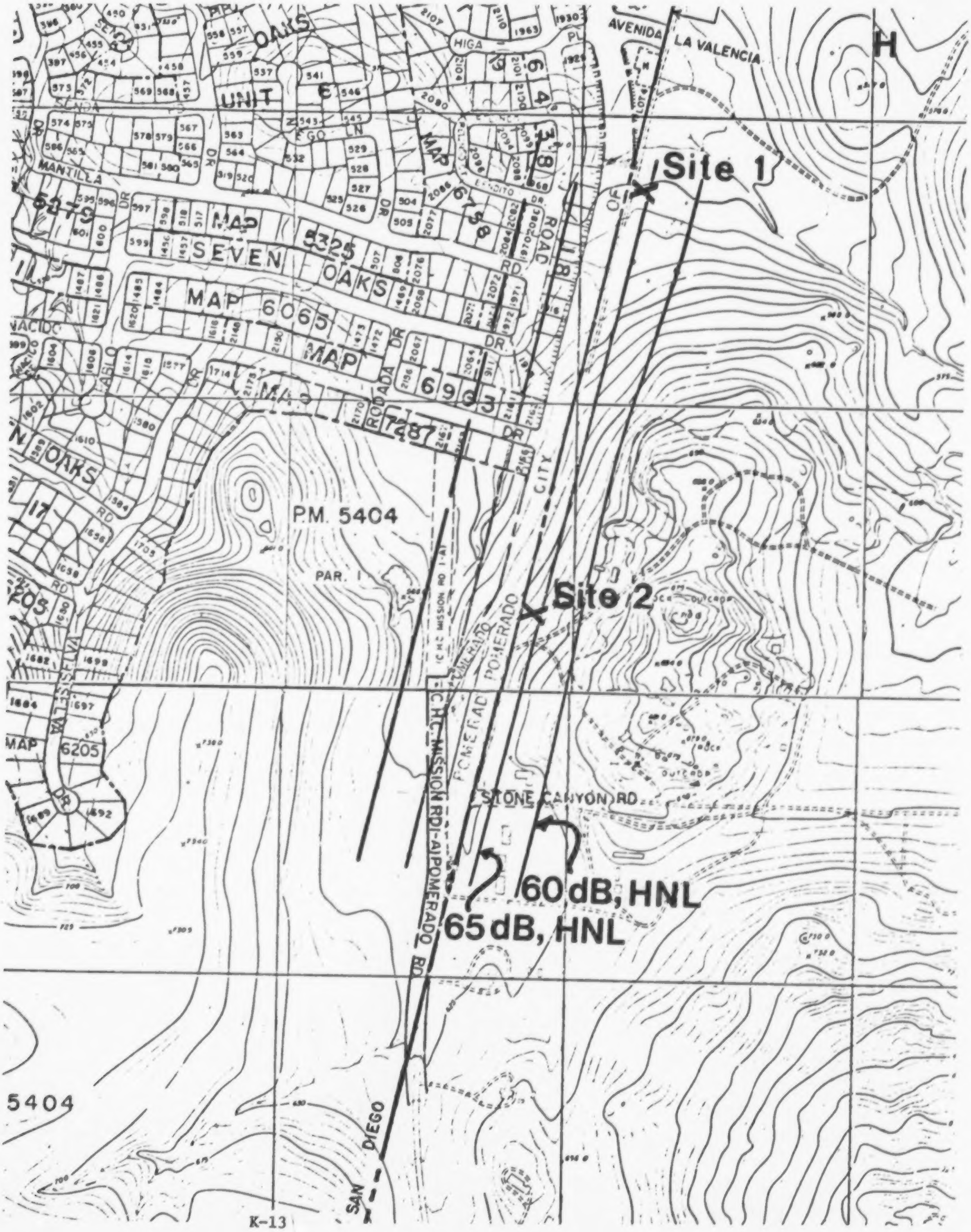
CARD #6: A-Weighting Corrections by octave band center frequency

hz	= Correction (dB)	hz	= Correction (dB)	hz	= Correction (dB)
31.5	+39.4	250	+8.6	2000	-1.2
63	+26.2	500	+3.2	4000	-1.0
125	+16.1	1000	0.0	8000	-1.1

CARD #7: STOP COMMAND
Y = -1 in Col 17-18 of Field 3

Figure 2

May 12, 1977


Site 1
Site 2
60 dB, HNL
65 dB, HNL
AVENIDA LA VALENCIA
HIGA PL
UNIT E
SEVEN OAKS
MAP 5325
MAP 6065
MAP 6993
MAP 7287
MAP 6758
MAP 6205
MANTILLA
OAKS
P.M. 5404
PAR. 1
POMERADO ROAD
CITY
C.H.C. MISSION RD.-A-POMERADO RD
STONE CANYON RD
SAN DIEGO
5404
H

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APPENDIX L

Noise Impact Analysis Report on Elementary School Affected by Street Traffic

CITY of SAN DIEGO

MEMORANDUM

RECEIVED
MAR 29 1977
Traffic Operations

FILE NO.:

DATE : March 28, 1977

TO : Director of Transportation, Attention Don Robbins

FROM : Building Inspection Director

SUBJECT: Noise Impact Report on Lowell Elementary School caused by Beardsley Street Traffic

---

This noise analysis report was prepared at the request of the Transportation Department to evaluate the potential for lessening the Beardsley Street traffic noise impact on students and teachers inside classrooms at Lowell Elementary School in San Diego. While traffic volumes are not unusually high for a school site, the relatively large percentage of three, four and five-axle trucks has stimulated public concern and complaints.

The Hourly Noise Level (HNL) was selected for the measurement criterion because of its appearance in California noise legislation and the San Diego Noise Abatement and Control Ordinance for evaluating public exposure to noise. It is recognized that a statistical method of analysis, such as the L_{10} measurement, might better describe the intrusionary nature of the truck noise. For comparison, the L_{eq} is approximately equivalent to the L_{24} for the Beardsley Street distribution of sound levels. Neither the L_{eq} nor the L_n methods of analysis completely account for the basic element of disturbance according to those complaints received. The frequency of occurrence for noticeably loud trucks passing is such that communication between the teacher and students is interrupted, especially in the morning hours, approximately ten times during each class. This situation is not unlike aircraft overflight noise interruption at city schools in proximity to the approach and departure path for Lindbergh Field. In these cases too, the average sound level is considerably lower than the maximum level experienced by students and teachers during the flyover. Several minutes of class time are lost each day because of this problem.

METHODOLOGY

1. Sound Exposure Level (SEL) measurements and classification of traffic mix by number of axles per vehicle were conducted at Beardsley Street adjacent to Lowell Elementary School on February 16, 1977. The SEL's for each vehicle measured and the average SEL ($\boxed{\text{SEL}}$) for each axle class are contained in Attachment A. The table in Attachment B lists the numbers of each axle count during the 105 minute observation and the results of acoustical calculations. For simplification, the mean distance from the center of both lanes of travel, i.e. 25 feet, was used as the source loccus instead of adjusting SEL measurements by lane distance. The latter method would have been preferable, but was not practical with number of staff available to conduct the test.

2. The average SEL ($\boxed{\text{SEL}}$) for each class was adjusted for the frequency of occurrence compared with the other classes; Attachment C shows the relative significance of each axle class on the average Sound Exposure Level. The noise contributions for each class were then combined by the formula:

Form CD-160

$$\overline{SEL}_{\%} = \Sigma\ \overline{SEL}_{ax} + 10 \log_{10} N_{ax} - 10 \log_{10} N_t$$

where: N = numbers of vehicles counted
ax = axle class, i.e. 2, 3, 4 or 5 axle
t = all axle classes

3. The Hourly Noise Level for each axle class ($HNL_{\%}$) resulting from the number of Hourly Vehicle Trips for each class ($HVT_{\%}$) were determined by the formula:

$$HNL_{\%} = \overline{SEL}_{\%} + 10 \log_{10} HVT_{\%} - 35.36$$

   Attachment D depicts the HNL per HVT for 2; 2 & 3; 2, 3, & 4: and 2, 3, 4, and 5 axle class combinations.

4. The variation in Hourly Noise Levels was calculated from a City Department of Transportation machine vehicle count during a 21 hour period from September 30, 1976 to October 2, 1976. The HVT are displayed as HNL on attachments E and F. $HNL = 10 \log_{10} HVT + \Sigma\ All\ HNL_{\%}$. These attachments also show the calculated peak Hourly Noise Level, the mean HNL for 7 a.m. to 7 p.m., the Day Night Average Sound Level (DNAL) and the Community Noise Equivalent Level (CNEL).

5. The reduction in sound level due to columnar spreading is proportional to the distance traveled as depicted in Attachment G. The HNL contours of attachment H were derived from the graph in Attachment G.

The limits of error for this report were not vigorously calculated but can be made available upon request. Assuming the usual deviations caused by the following variables, the data is expected to fall within approximately plus or minus two decibels of actual conditions:

a. Actual distances vs. the assumed mean distance from the source pathway to the microphone.

b. Instrumentation error;

c. Deviation of annual average HVT from the machine count due to seasonal or weekly variations in traffic.

d. Reflecting surfaces. Two walls, one fifteen feet behind the microphone and one 62 feet in front of the microphone, were responsible for some increase in the sound measurement above a free field measurement.

e. Actual deviation of SEL averages for each axle class from the population measured.

The instrumentation used was a Deltec 8000 time averaging sound level meter with manual time interval control. Time intervals were begun as the approaching vehicle sound levels became barely audible and were stopped as the decrescendo dropped below the ambient. Only SEL values for which one vehicle at a time was within the microphone range at the time of the measurement were actually used. Wind speed was less than five knots. Microphone height was four feet above the ground.

CONCLUSIONS

If four and five-axle vehicles were restricted from the current traffic mix, the 7 a.m. to 7 p.m. Hourly Noise Levels could be reduced by approximately 40% and the number of interruptions each hour could be reduced from approximately eight to four. Prohibiting three-axle vehicles as well would reduce the Hourly Noise Level only 17% of the total and eliminate the remaining four statistical intrusions per hour. These intrusions are only one-half the magnitude of those caused by four and five-axle vehicles; therefore, restricting three-axle vehicle traffic would probably not significantly improve the condition nor would it be a good cost-effective solution. To compare our calculations with first-hand experience, I spoke with a Ms. Carmen Foster who teaches Kindergarten from 8:30 a.m. until 2:30 p.m. in a classroom which lies within 35 feet of Beardsley Avenue. When asked for her personal interpretation of the noise problem, she stated that approximately six times each hour, especially in the morning, larger truck noise interrupts communication at levels not completely masking her voice, but being so competitive, communication is momentarily unproductive. She felt further that smaller truck and passenger vehicle noise does not penetrate the classroom to the extent necessary to cause a disturbance. She emphasized that these interruptions rarely occur after 12 noon. This experience is consistent with our expectations based on the measurements and calculations contained in this report.

This acoustical analysis and conversations with school staff indicate that a prohibition of four and five-axle vehicles on the subject segment of Beardsley Street between the hours of 8 a.m. and 12 noon, Monday through Friday, would significantly reduce the noise problem. It is our understanding that such a restriction could take the form of a vehicle weight limit. To minimize business interruptions in the area by preventing ingress and egress of four and five-axle trucks, it is important, we feel, that the restriction be enforced only between the hours of 8 a.m. and 12 noon, Monday through Friday.

Questions concerning procedures and technical formulae utilized in this analysis should be directed to the City of San Diego Noise Abatement and Control Office of the Building Inspection Department.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR

James E. Dukes
JAMES E. DUKES
NOISE ABATEMENT AND CONTROL ADMINISTRATOR

Enclosures

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ATTACHMENT A

CITY OF SAN DIEGO
NOISE ABATEMENT AND CONTROL OFFICE

Sound Exposure Level (SEL) by Axle Class
at 25 Ft. from center of Beardsley Street

Project: Lowell Elementary School
1130 Beardsley Street

Date: February 16, 1977 Time: As Indicated

2-AXLE		3-AXLE		4-AXLE		5-AXLE		*OTHER	
H M S	SEL	H M S	SEL	H M S	SEL	H M S	SEL	H M S	SEL
083654	77.0 dB	102613	87.0 dB	090814	86.5 dB	102743	89.4 dB	084705	81.5 dB
083929	77.0 dB			091929	90.4 dB	102624	90.7 dB		
084440	77.0 dB			094351	80.4 dB	104812	89.6 dB	090346	74.0 dB
084376	74.7 dB			094729	87.4 dB				
090804	77.5 dB			095354	91.5 dB			095314	84.0 dB
093936	77.0 dB			102359	87.7 dB				
094233	79.0 dB								
094337	77.0 dB			88.45 dB Average		89.94 dB Average		81.44 dB Average	
095156	84.3 dB								
095226	81.3 dB								
095605	80.5 dB								
100157	77.0 dB								
100458	72.2 dB								
100919	80.0 dB								
102830	74.0 dB								
105015	77.0 dB								
104055	80.0 dB								
104105	82.0 dB								

H - HOUR
M - MINUTE
S - SECOND
dB - DECIBELS

79.08 dB Average (2 axle)
81.44 dB Average (other)
79.35 dB Average (2 axle and other)

*OTHER: Dual Axle

ATTACHMENT 8

DOT - TRANSPORTATION DESIGN
Vehicle Classification Study
Beardsley St (Main St - Newton Av)

(1)	2 Axles						Axles			
Starting Time	Auto	Motor Cycle	Pickup	Small Vans	Large Vans	* Other	3	4	5	Total
8:30	34	-	7	1	-	-	1	1	-	44
8:45	39	2	4	1	-	4	-	1	-	51
9:00	16	-	3	2	-	4	-	1	1	27
9:15	10	-	5	2	-	-	-	1	-	18
9:30	13	-	3	-	-	2	1	1	-	20
9:45	11	1	1	-	-	5	2	1	1	22
10:00	12	-	1	-	-	1	1	-	-	15
10:15	12	-	7	-	1	2	2	-	2	26
Totals	147	3	31	6	1	18	7	6	4	223

*Generally dual back wheels

This study was conducted 8:30 to 10:30 a.m., 2-16-77

- -

NOISE ABATEMENT AND CONTROL OFFICE
VEHICLE NOISE LEVEL ANALYSIS

UNIT CALCULATED	2 Axles	Axles 3	4	5
Percentage of total vehicle Count (%)	92.37	3.14	2.69	1.79
Average, A-weighted, Sound Exposure Level (SEL) in decibels (dB)	79.08	87.00	88.45	89.94
Average SEL, A-weighted contribution to total (SEL x %) (dB)	78.78	71.97	72.75	72.47
Average Hourly Noise Level (HNL) contribution (SEL x % / 3600 sec.) (dB)	43.22	36.41	37.19	36.91

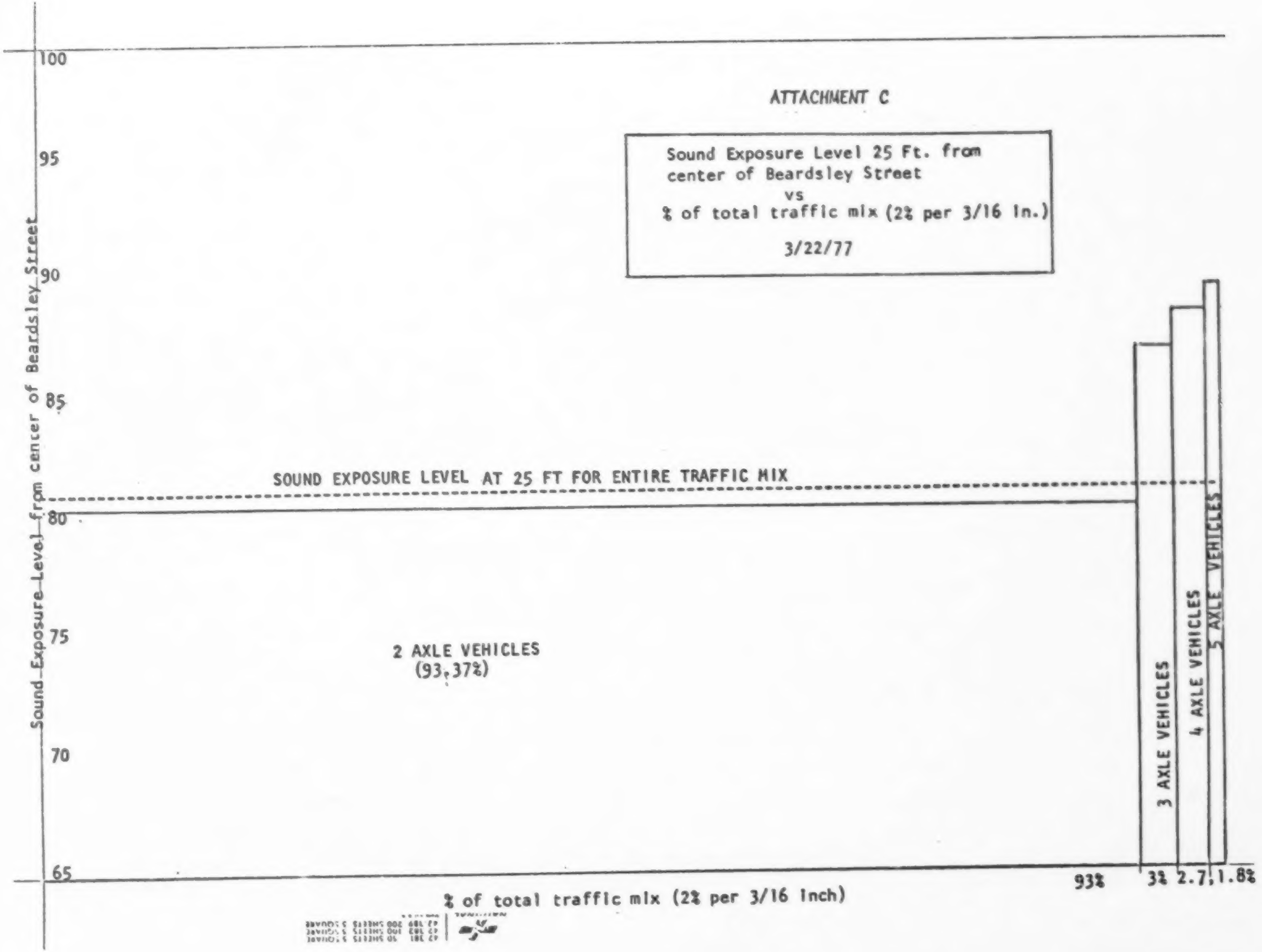
HOURLY AVERAGE NOISE LEVELS PER VEHICLE FOR TRAFFIC MIX AT 50'

2 axle . . . . 43.22 dB
2 axle & 3 axle . . . . 44.04 dB
2 axle & 3 & 4 axle . . . . 44.86 dB
2 axle & 3, 4 & 5 axle . . . . 45.50 dB

(HNL DURING TEST PERIOD = 66.5 dB at
25 Ft. from center of Beardsley St.)

3-23-77

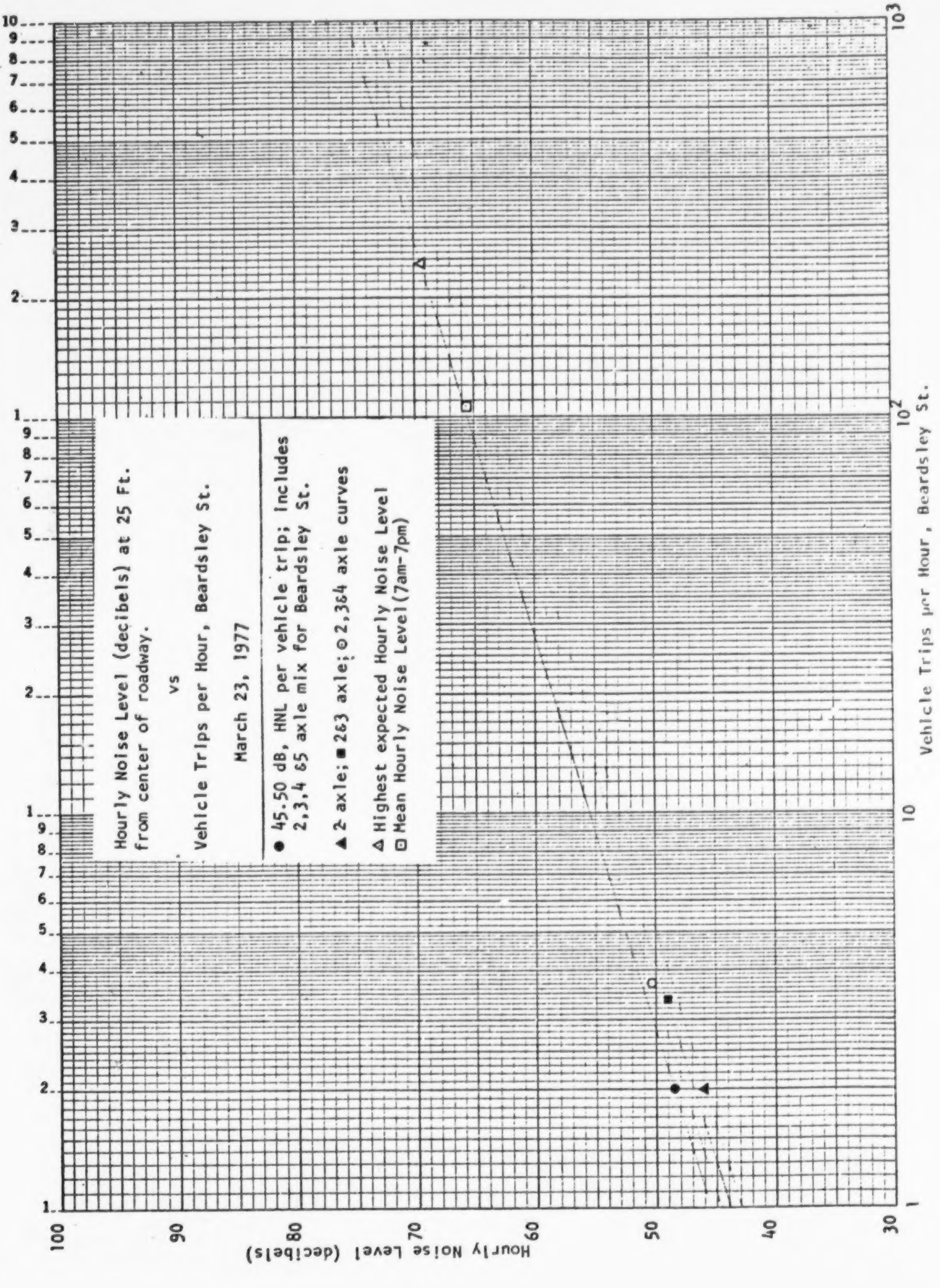
ATTACHMENT C



Sound Exposure Level 25 Ft. from center of Beardsley Street vs % of total traffic mix (2% per 3/16 In.)

3/22/77

ATTACHMENT D .



Hourly Noise Level (decibels) at 25 Ft. from center of roadway.

vs

Vehicle Trips per Hour, Beardsley St.

March 23, 1977

HNL = HOURLY NOISE LEVEL
HVT = HOURLY VEHICLE TRIPS ATTACHMENT E

Location Beardsley St. Traffic Count
(Main & Newton)

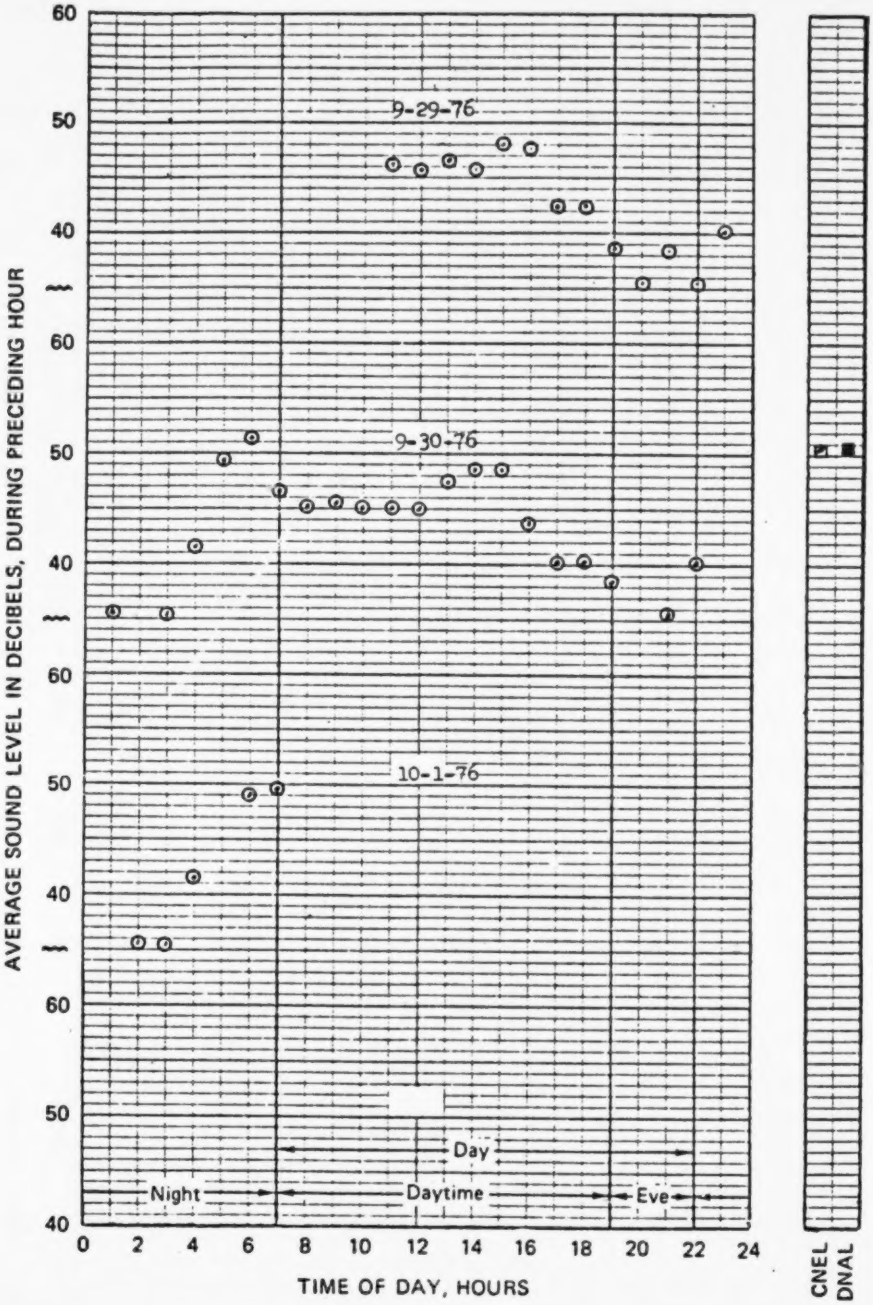
Date 9-29-76 to 10-1-76

								DECIBELS	VEHICLE COUNT
EAL (Evening Average Sound Level) 3h								56.17	11.67
DTAL (Daytime Average Level) 12h								65.78	106.67
DAL (Day Average Level) 15h								64.82	85.57
NAL (Night Average Level) 9h								63.88	68.89
DNAL (Day Night Avg) 24h								70.44	
CNEL 24h								70.50	
Date h:min:s		AVERAGE SOUND LEVEL IN DECIBELS, DURING PRECEDING HOUR			HVT	HVT	HVT	HNL(dB)	
000000	+10				0	0	10	50.27	
230000					30	30		60.27	
220000	+5				10	10		55.50	
210000					20	0		55.50	
200000					10	20		57.26	
190000					20	30		59.48	
180000					50	30		61.52	
170000					50	70		63.28	
160000					170	210		68.29	
150000					180	220		68.51	
140000					110	150		66.64	
130000					130	90		65.91	
120000					110	90		65.50	
110000					120	90		65.71	
100000						100		65.50	
090000						90		65.04	
080000						130		66.64	
070000	+10dB					290	280	70.05	
060000						260	230	67.32	
050000						40	40	61.52	
040000						10	10	55.50	
030000						0	10	52.49	
020000						10	0	52.49	
010000						0	0	-	
Date:		SUN	MON	TUE	WED 9-29-76	THU 9-30-76	FRI 10-01-76		

Notes: K=Clear V=Average

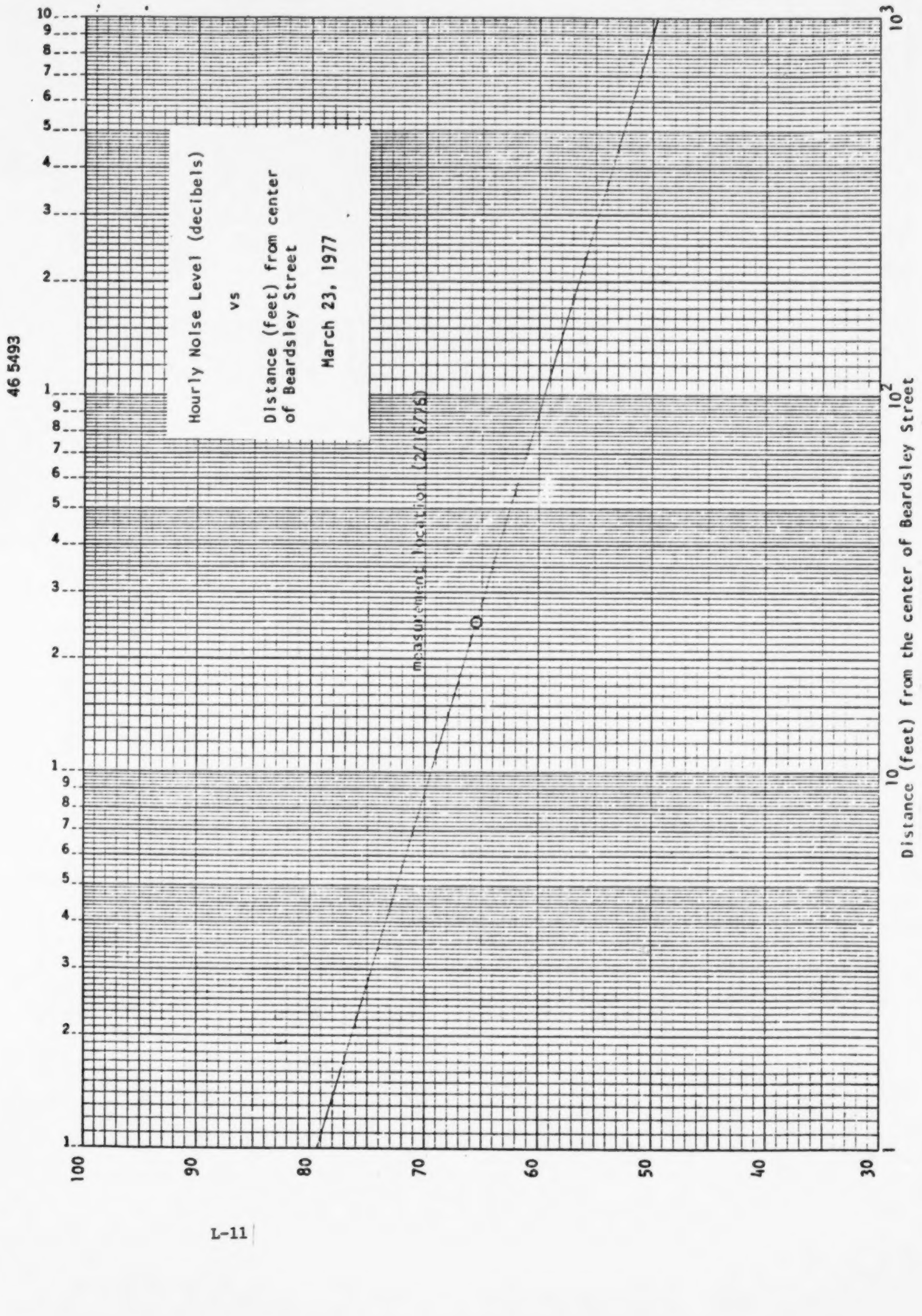
The Hourly Noise Levels (HNL) at 25 Ft from the center of Beardsley Street. These were derived from the hourly traffic volumes indicated. One standard vehicle HNL for the Beardsley Ave traffic mix is equivalent to 45.50 decibels.

ATTACHMENT F



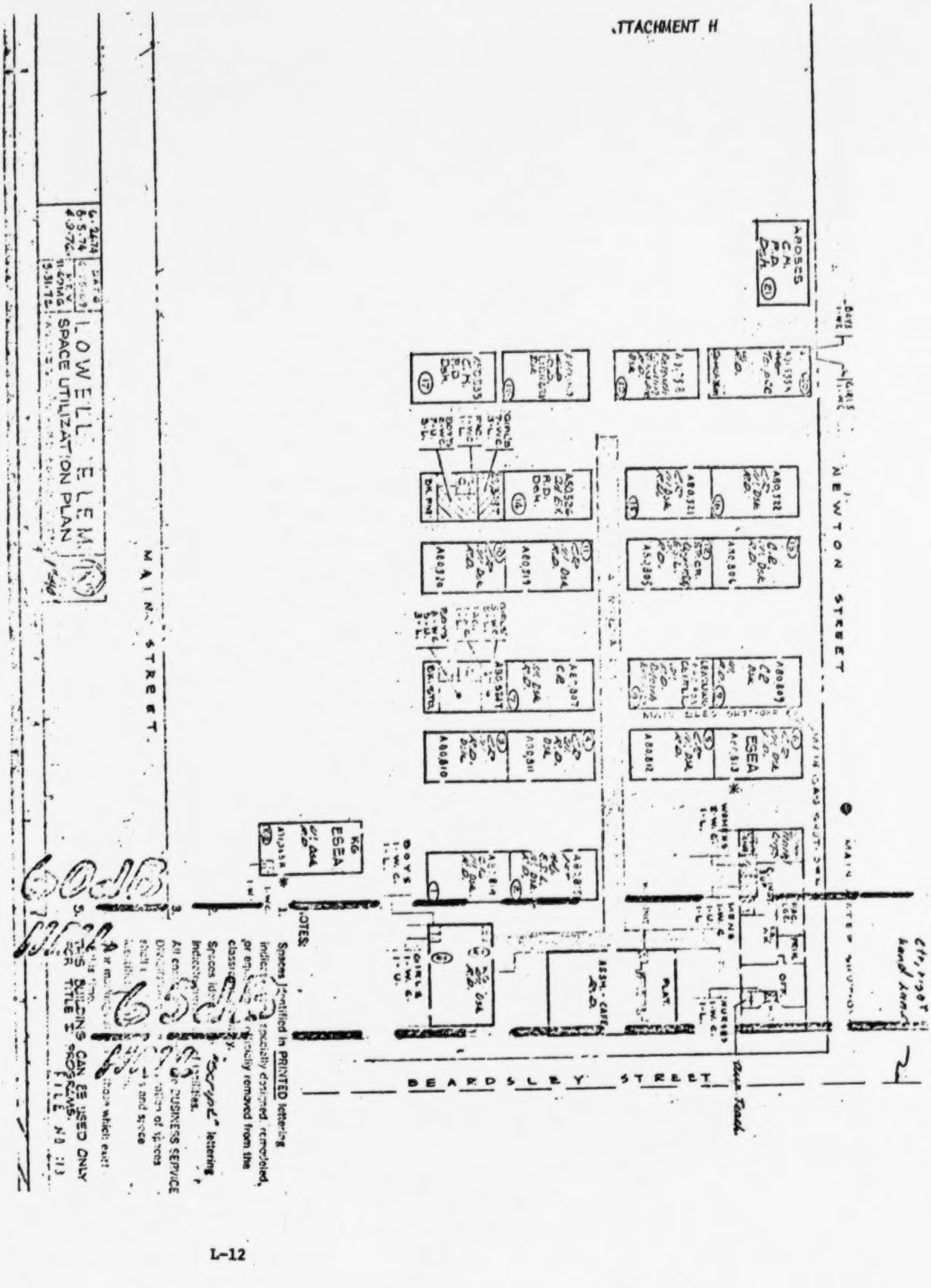
Lowell Elementary School Hourly Noise Levels (HNL) 25 Ft. from the center of Beardsley Street

ATTACHMENT G



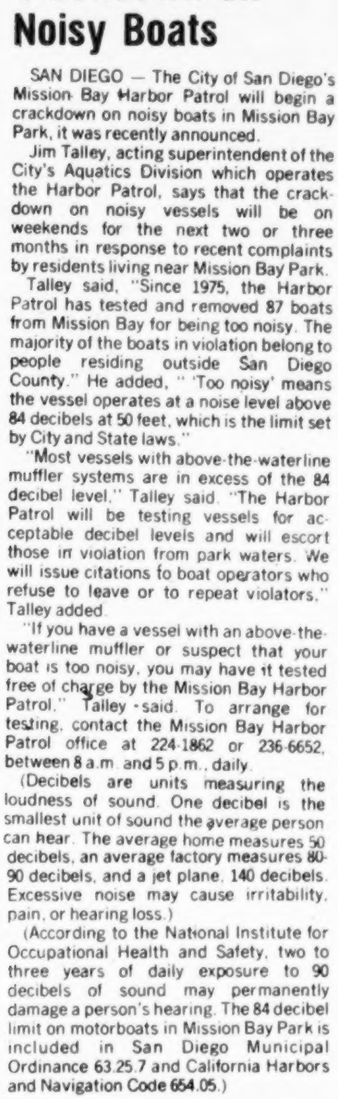
ATTACHMENT H

Reproduced from best available copy.


LOWELL ELEM.
SPACE UTILIZATION PLAN
MAIN STREET
NEWTON STREET
BEARDSLEY STREET
ESEA
KG ESEA
BOYS T.W.C.
GIRLS T.W.C.
MENS T.W.C.
WOMENS T.W.C.
ASSM.-CAFE.
PLAT.
OFF.
NOTES:
Spaces identified in PRINTED lettering indicate specially designed, remodeled, or specially removed from the classroom
Spaces identified in "script" lettering
All ... BUSINESS SERVICE
THIS BUILDING CAN BE USED ONLY FOR TITLE I PROGRAMS.
FILE NO 113

APPENDIX M

Newspaper Article on Enforcement Activities of the Aquatics Division



Crackdown on Noisy Boats

SAN DIEGO — The City of San Diego's Mission Bay Harbor Patrol will begin a crackdown on noisy boats in Mission Bay Park, it was recently announced.

Jim Talley, acting superintendent of the City's Aquatics Division which operates the Harbor Patrol, says that the crackdown on noisy vessels will be on weekends for the next two or three months in response to recent complaints by residents living near Mission Bay Park.

Talley said, "Since 1975, the Harbor Patrol has tested and removed 87 boats from Mission Bay for being too noisy. The majority of the boats in violation belong to people residing outside San Diego County." He added, " 'Too noisy' means the vessel operates at a noise level above 84 decibels at 50 feet, which is the limit set by City and State laws."

"Most vessels with above-the-waterline muffler systems are in excess of the 84 decibel level," Talley said. "The Harbor Patrol will be testing vessels for acceptable decibel levels and will escort those in violation from park waters. We will issue citations to boat operators who refuse to leave or to repeat violators," Talley added.

"If you have a vessel with an above-the-waterline muffler or suspect that your boat is too noisy, you may have it tested free of charge by the Mission Bay Harbor Patrol," Talley said. To arrange for testing, contact the Mission Bay Harbor Patrol office at 224-1862 or 236-6652, between 8 a.m. and 5 p.m., daily.

(Decibels are units measuring the loudness of sound. One decibel is the smallest unit of sound the average person can hear. The average home measures 50 decibels, an average factory measures 80-90 decibels, and a jet plane, 140 decibels. Excessive noise may cause irritability, pain, or hearing loss.)

(According to the National Institute for Occupational Health and Safety, two to three years of daily exposure to 90 decibels of sound may permanently damage a person's hearing. The 84 decibel limit on motorboats in Mission Bay Park is included in San Diego Municipal Ordinance 63.25.7 and California Harbors and Navigation Code 654.05.)

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